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ABSTRACT

The document reports findings from the first year of a longitudinal study of the implementation of P.L. 94-142, the Education for All Handicapped Children Act. Based primarily on interviews with a wide variety of respondents (e.g., administrators, teachers, and parents) from 22 local education agencies (LEAs) in nine states, the report describes how local school systems are responding to the law's requirements and explains the reasons behind these responses. An introductory section provides an overview, background to the study, context of evaluation studies, orientation of the study, and caveats and comments about the findings. Section II covers the goals and context of local implementation. Section III addresses the method of approach in terms of sample selection, data collection, and data analysis. A fourth section considers who gets into special education. Mechanisms for finding children are reviewed. A fifth section focuses on procedures for determining appropriate services and placement with subsections on notification and consent, the individualized education program (IEP) meetings, linkage between settings and services decisions, and parent/school interactions. Section VI reviews the impact of the least restrictive environment provision, IEPs, role changes, inservice training, and attitudes and concerns; while Section VII looks at implementation at the district level. The document concludes with a summary which includes the following findings: whether a child will be identified as a potential beneficiary of services is determined to a large extent by the criteria made by the staff in the referral and evaluation processes; for the majority of students found eligible for special education, the decisions about what services and placements they will receive are essentially determined by what is known to be available; and LEAs are able to change the special education mechanisms and procedures over which they have control, but they are having difficulty determining the borders of their legal responsibilities and achieving effective coordination with each other. (SB)

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LOCAL IMPLEMENTATION OF PL 94-142: First Year Report of a Longitudinal Study

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FOREWORD

The study reported here is one of a series of studies commissioned by the Office of Special Education (formerly the Bureau of Education for the Handicapped) to describe the progress being made by local education agencies in implementing PL 94-142 and the challenges remaining.

The information in this report was gathered during the 1978-79 school year. For many districts, that year marked the first year of implementation of the Act. Many significant changes have been made by districts since that time. (An update describing these changes will be available in the next few months). Still the information presented in this report suggests that tremendous efforts have been generated by local education personnel towards providing handicapped students a free appropriate public education. Furthermore, these changes were accomplished in a very short period of time.

At the same time it is clear that there are remaining challenges in assuring that each handicapped child receives a free appropriate public education. This report suggests certain points where policies may be unclear, or where practices may deviate from the ideals set forth in the Act. These findings are consistent with those of the monitoring visits made biannually by Office of Special Education staff to each state participating in PL 94-142. Where such deviations have been found, the Office of Special Education has worked with the states to clarify policies, has required that corrective actions be taken, and has required verification that prescribed corrective actions are made. In addition, the Office of Special Education sponsors technical assistance activities to assist state and local administrators in appropriately serving all handicapped children.

It is our hope that the findings from this study will assist state and local education agency personnel in examining their own policies and procedures and in making any changes necessary to achieve the quality educational services for all handicapped students that are the promise of PL 94-142.

EXECUTIVE SUMMARY

Introduction

SRI's report presents the findings from the first year of a longitudinal study of the implementation of PL 94-142, The Education for All Handicapped Children Act. The study was commissioned in 1978 by the Bureau of Education for the Handicapped (BEH)* as part of its overall evaluation of the Act's effectiveness. To complement other BEH studies of the law, this one was designed explicitly to provide an in-depth understanding of the process of implementing the law at the local level--the level at which the law directly affects handicapped children and their parents.

PL 94-142 requires local education agencies (LEAs)** to provide a free appropriate public education (FAPE) to all handicapped children and, in the process, to protect the rights of handicapped children and their parents. To achieve FAPE, LEAs must ensure that individually appropriate special education and related services are delivered to all children needing such services at no cost to their parents. Certain specific procedures are intended to accomplish these goals. LEAs are to seek out handicapped children, determine what services each child needs on the basis of multiple sources of information and nondiscriminatory testing procedures, develop a written individual education program (IEP) for each child in conjunction with the child's parents, and place the child in the least restrictive environment (LRE) appropriate to meeting his or her needs. These goals and procedures reflect such values as exposing handicapped and nonhandicapped children to one another, avoiding labels and stigma, attending to individual needs, and involving parents in decisions about their children.

The study design recognized that the process of implementation would vary from school system to school system, depending on the degree of change required to meet the law's mandates and

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* BEH is now the Office of Special Education in the Department of Education.

** The local agency responsible for implementation of PL 94-142 within a state may be a school district or an intermediate education unit formed of several school districts.

the extent to which local conditions facilitated or inhibited change in these directions. To trace the progress of PL 94-142 implementation, the study is built around ongoing case studies of 22 LEAs chosen to reflect widely varying characteristics. The purpose of the case studies is to identify specifically how the process of implementation is occurring in each of these LEAs; that is, how the particular characteristics of each community are affecting implementation in that local context. This report synthesizes information from all 22 case studies to explain why local school systems were making progress in implementing the law in certain ways, but not in others, by the end of the 1978-1979 school year.

We visited each of the LEAs twice during the 1978-1979 school year, once in the Fall and once in the Spring. Each visit lasted from two to four days, depending on the size and complexity of the LEA. During these visits we interviewed school and district staff, as well as parents and others affected by the requirements of the law. Our site selection procedures ensured that the LEAs in our sample varied considerably on the factors most likely to explain differences among them in implementation. These factors include the history of progressiveness in meeting the law's intent, the funding formulas and special education administrative organization in the state, LEA size, and availability and accessibility of resources in the LEA.

The study design does not permit quantitative estimates of implementation events across districts nationally. It does allow us, however, to make valid inferences about why PL 94-142 implementation is more successful in some instances than others, and to generalize these explanations to districts not included in the sample. Taken together, our procedures for site selection, data collection, and cross-site analysis produced conclusions that we believe apply to school districts across the nation.

Progress of Local Implementation

In the 1978-1979 school year, LEAs in very different circumstances made substantial progress in implementing PL 94-142. Local school systems, and special educators in particular, were greatly affected by the federal law and related state statutes and requirements. Both school and district level special education staff generally endorsed the goals of the Act and viewed it as reinforcing the best principles of special education. State statutes, regulations, and funding were being adjusted to federal requirements during the 1978-1979 school year; and funds authorized by PL 94-142 were just beginning to flow through to the districts when we conducted our first on-site visits. Yet, at the local level, forms required to meet the letter of the law were already in place, and policies and procedures developed at state and LEA administrative levels were already being carried out by

service delivery personnel. Given that the law was passed in 1975 and final federal regulations were issued in August 1977, these findings represent rapid translation of federal requirements into local level action.

At the local level, schools are by and large already meeting the letter of the IEP provisions. Although the document is often drafted prior to IEP meetings, the meetings are usually held with the required participants and the written documents include the required components. On the other hand, the services actually described in IEPs and decisions about settings are constrained by what programs currently exist and have openings. PL 94-142 is clearly reinforcing the trend toward "mainstreaming" (i.e., placing handicapped children in a regular classroom for part or all of the school day). However, consideration of the least restrictive environment provision in the placement decision process is problematic because most services are offered in only one type of setting; hence, a decision about services usually carries with it a decision about the setting.

LEAs have established new procedures for notifying parents that their child has been identified as potentially handicapped and in need of special education, and for obtaining parental consent to a school evaluation of the child. LEAs have also established procedures for inviting parents to participate in various phases of the IEP development process, and many parents have taken advantage of these opportunities. Although relationships between parents and schools vary enormously from district to district and school to school, there are some typical patterns. Contacts between parents and schools, including meetings with school staff, are increasing; however, this increase has not yet resulted in a noticeable change in parent involvement in decisionmaking. The majority of parents trust school staff to make educational decisions and seem to be satisfied with the recommended placement and program. LEAs have also provided parents with the required complaint and due process hearing procedures for resolving disagreements with the schools, and some parents are taking advantage of this procedural safeguard.

The law has reinforced trends in the child evaluation process. LEAs are now more likely than in the past to (1) use a variety of assessment methods, including observations of educational performance and adaptive behavior, (2) involve a variety of specialists, and (3) individualize assessment batteries on the basis of a particular child's skills and suspected deficiencies. These procedures are in keeping with the law's provisions for ensuring protection in evaluation. A second trend is increased emphasis on assessment prior to formal referral. Although both of these trends, as well as mainstreaming, predate PL 94-142, the law has reinforced these directions.

To prepare staff to meet the requirements of the Act, LEAs held in-service orientation sessions, which generally described federal and state regulations and district policies and procedures designed to comply with the regulations. Courses were oriented primarily toward special education administrators and special education teachers. In only a few sites was orientation or training directed to regular teachers, psychologists, principals, or parents. Partly as a result of these training sessions, most special education teachers and administrators are well-informed about the goals of PL 94-142 and state and federal procedural requirements. However, local staff reported that the training was of limited use, in that it focused on information about required procedures rather than practical information about how best to apply procedures in individual cases to achieve the goals of the law.

In addition to the major activity of bringing procedures into compliance with federal requirements, LEAs also expanded their programs to begin serving handicapped children previously unserved or inadequately served. For example, several LEAs that had no program for the visually impaired, and had referred parents to programs outside the district, hired additional staff and began providing services directly for such children. Also, several districts in the study expanded their programs for secondary level handicapped students, a group that traditionally has been inadequately served if not completely excluded. Some of this expansion was a result of the new federal flow-through funds received during the 1978-1979 school year.

Overall, responses to PL 94-142 during the 1978-1979 school year were primarily procedural in nature. Achieving the intent of the FAPE mandate requires more than procedural change. Below we discuss those factors that most strongly affect the ability of an LEA ultimately to achieve the intent of the law.

Factors Related to Progress

The factors related to progress in meeting the Act's educational goals fall into three broad categories: resources, traditional roles and boundaries, and the state of the art. Understanding how these factors affect implementation allows us to draw some implications for how LEAs can be assisted in achieving the intent of the law.

Resources

The most obvious factor influencing whether an LEA can realize the intent of PL 94-142 is financial resources--the resources needed to provide sufficient special education and related services to serve all handicapped children and to enable services and settings to be determined on the basis of individual needs. Every LEA in our study experienced some shortfall relative to the local need or demand for services; every LEA had backlogs of children waiting

for evaluation, for placement, or both. For this reason, efforts to seek out unserved handicapped children are rarely launched except when a new program option is made available and "caseloads" or classes need to be filled as a result. Moreover, unless services can be expanded, neither setting timelines for evaluation and placement nor hiring extra evaluation personnel will eliminate backlogs; at best, the waiting lists will move back to the referral stage.

To meet the law's intent that individual children's needs be matched with appropriate special education and related services in the least restrictive environment, school systems must provide not only a full range of services and a variety of placement options for the given services, but also sufficient openings to permit a choice of programs. At the present time, however, for the vast majority of students found eligible for special education, the decisions about what services and placements they will receive are essentially determined by what is known to be available. Because the range of services available varies greatly from LEA to LEA, whether a child will even be identified for special education depends on what school district and, often, what neighborhood school he or she is in. At one extreme are the LEAs that provide only self-contained classes for mildly and moderately mentally retarded children, resource rooms for learning disabled children, and itinerant speech therapists for children with communication problems. At the other extreme are the LEAs that directly provide a variety of services and placement options to children who are severely and profoundly retarded, blind, deaf, orthopedically handicapped, and emotionally disturbed, as well as mildly learning disabled.

In the most resource-rich site in our sample, such related services as physical therapy and therapeutic counseling are offered directly by school system personnel without cost to parents. Most LEAs would consider this exemplary site to have met any standard for achievement of the FAPE goal. However, even this district faces program limitations relative to the perceived need and demand for appropriate services from parents in the community. Even this site has backlogs of children waiting for evaluation and for placement. None of the LEAs we observed has resources sufficient to expand services to preschool children and also to 18-21 year olds, or to serve more handicapped children and, simultaneously, provide appropriate services and settings to all of the children already identified. In spite of the fact that expenditures for special education have increased relative to other education outlays, limitations on funds currently available to LEAs force administrators to make choices about expanding direct services to children vs. changing the delivery system (e.g., in-service training, working with parents, and coordinating services).

Traditional Roles and Boundaries

Progress in meeting the intent of PL 94-142 is also significantly affected by traditional roles and boundaries between regular and special education, between parents and school staff, and between schools and other agencies serving handicapped children. New relationships that cross these boundaries are necessary because of the law's requirements that each handicapped child be educated in classes with nonhandicapped children insofar as appropriate, have a program planned by school staff in cooperation with parents, and have a program of special education and related services fitted to his or her unique needs.

There is an organizational boundary between the regular education program and the special education program in all but the smallest LEAs. This structure hampers communication between regular and special education teachers, often resulting in fragmented responsibility for the coordination of individual children's educational programs. This poses particularly difficult challenges for implementing the IEP and LRE requirements of the law--requirements whose intent demands cooperation and coordination between regular and special education teachers. We found that, as a rule, mainstreaming a special education child back into the regular classroom or coordinating the program of children who are already mainstreamed for part of their day occurs only when a special education teacher takes the initiative and solicits the cooperation of a regular classroom teacher. Thus, whether a child has a regular classroom experience and has one that is educationally appropriate depends on what teacher the child has and whether the child is in a school where the principal or counselor encourages such initiatives. Significant exceptions to this rule occurred in those LEAs in which special education staff have been assigned specific roles requiring them to bridge the gap between regular and special education services. These "boundary crossers" coordinate programs for individual children, provide in-service training, or give detailed and practical assistance to regular and special educators who are attempting to integrate handicapped and nonhandicapped children. This strategy has had notable success in achieving the intent of the IEP and LRE provisions of the law in several of the LEAs in our sample.

Another set of traditional role and boundary problems pertains to parents and schools. To meet the intent of PL 94-142 that parents be active partners with school staff in planning their children's programs will require a substantial change in traditional roles. These vary considerably across communities, according to the region of the country, the cultural background and socioeconomic circumstances of parents, and the general level of information and sophistication in the community. However, parents of handicapped children typically do not question the school's authority to make services or placement decisions, and, initially, most parents do not have information about the schools' special education services. For

their part, school staff make decisions on the basis of what they believe to be available, and there are limits to the time and effort they can devote to informing and involving parents or tailoring their communication to specific parent characteristics. Thus, although parent notification and consent procedures are in place and parents make increasing contact with appropriate school staff, an IEP is sometimes presented to parents as a fait accompli. In many cases, parents, sufficiently intimidated by the process, sign their consent to whatever is recommended. Sometimes, tight scheduling can result in parent involvement that is merely pro forma. While in many instances parental consent is not truly informed consent, and parents are not active participants in the decision making process, most parents are satisfied with the extent of their participation. Thus, incentive is lacking for school staff to make further efforts to change their role vis a vis parents. Also serving as a disincentive to change is the fact that an increase in the information available to parents about service options and their rights can raise parental expectations beyond the level that an LEA can fulfill.

Traditional roles and boundaries between education and other service delivery agencies also affect LEAs' ability to implement PL 94-142 as intended. LEAs are faced with renegotiating their role boundaries insofar as current arrangements with other agencies do not ensure that (1) all related services necessary for children to benefit from their education are delivered, (2) education and related services are provided appropriately, whatever agency delivers them, and (3) services are provided at no cost to parents. And yet, LEAs do not have the clout to require other agencies to honor education agency priorities, submit to LEA supervision, or provide free services to education agency clients. For example, some special education administrators are unable to convince their community mental health agency to provide counseling services to emotionally handicapped students at no cost to their parents. Others are powerless to ensure that handicapped students in private or parochial schools are receiving appropriate services as specified in an IEP. These local problems reflect an essentially parallel situation at the level of the state education agency; hence, LEAs are not likely to receive support or clarification of their legal and financial responsibilities until states respond realistically to the mandates of PL 94-142.

The State of the Art

The third category of factors affecting the progress of implementation is the current "state of the art" in special education. In some cases, the law, by requiring certain procedures, codified the existing state of the art. For example, using a variety of educational and psychological methods for child evaluation was already being done in progressive sites as the law was passed. However, implementing the law's intent in some other respects would require knowledge, skills or agreement among professionals that simply does not exist.

One example is the lack of generally accepted guidelines regarding related services. Professionals do not agree on which related services for which needs are "required to assist a child to benefit from special education." Thus, a child's right to such services under law easily becomes a matter for dispute. Knowledge is also lacking about how to determine the amount of a particular related service necessary to meet a child's needs; the amount is usually defined de facto by what is available in the LEA. Although the law lists counseling as a (potential) related service, every school district "holds the line" at a different point. For example, in one resource-rich site a learning disabled child with emotional problems receives individual psychotherapy from a private practitioner at the expense of the public schools; in many other sites, it would be "suggested" but not "recommended" that the parents consider taking the child to the community mental health agency for some counseling. A "recommendation" would require that staff write the service on the IEP, making it the LEA's responsibility to ensure the service was delivered and paid for. The latter districts have, in effect, defined counseling as not necessary for the child to benefit from his educational services.

Another example is the identification of children with "specific learning disabilities." Children with learning problems are increasingly classified as LD, especially relative to those identified as mentally retarded or emotionally disturbed, because of a desire to avoid the stigma attached to these classifications. It is particularly difficult to know whether a given child's "deficits" are attributable to "processing" disorders rather than "environmental, cultural, or economic disadvantage." Yet, for many practitioners the final eligibility decision often rests on this very judgment.

Two other state-of-the-art problems share in common the gap between what is needed and what professionals know how to provide effectively. One is the provision of an appropriate program for serving seriously emotionally disturbed children in a public school setting. The other is a model of staff development that can meet the practical needs of regular education staff. Both of these needs have been clearly identified but must await progress in the state of the art before the needs can be met.

Implications

The findings from the first year of our longitudinal study show that LEAs have made rapid progress in implementing the letter of the law. Special education administrators and service delivery personnel within local school systems have made great strides in developing procedures consistent with the federal regulations, devising strategies for expanding programs, and working out many logistical problems in response to the provisions for IEPs, parent involvement, and due process hearings. Nonetheless, there is a considerable gap between achieving procedural compliance and

realizing the intent of the Act. Although there are some indications that the basic changes necessary to achieve full implementation are beginning to occur (e.g., expansion of programs, development of boundary crossing roles), the goal of FAPE and the spirit of the law remain in the distance. The reasons why early progress has been primarily procedural can be understood in terms of limited resources, the difficulty of changing traditional roles and organizational boundaries, and the state of the art in special education.

Under the mandate to provide "appropriate education" and "related services necessary for a child to benefit from special education," LEAs are struggling with how to limit the eligible population to a size that can be accommodated within current resources, while struggling to obtain more resources. They are, at the same time, responding to new demands from small but growing numbers of parents of handicapped children whose expectations for no-cost services have been raised and who have been provided tools to hold the schools accountable. Simultaneously, LEAs are pressured to assume increased financial responsibilities relative to other agencies serving the handicapped, insofar as these agencies do not offer services without cost to the schools' clientele.

Some of the problems posed by these circumstances can be addressed at the local level as LEA policymakers become more cognizant of their responsibilities under the law. But most have implications for assistance from agencies and others beyond the LEA level: SEAs, state legislative and executive branch policymakers, the professional field, and BEH or Congress. LEAs need help in delimiting their legal and financial responsibility for special education and related services. They need help in clarifying the borders of their responsibilities vis a vis other agencies (e.g., health, welfare). They must also have assistance in acquiring more resources. Otherwise, the bounds of what LEAs must provide at no cost far exceed the resources available, and FAPE will continue to be defined de facto by what is currently available.

Finally, because continuing to monitor LEA compliance with procedures will distract attention from the systemic changes necessary to meet the spirit of the law, assistance designed to enhance local capacity to achieve FAPE should be emphasized and monitoring procedural compliance correspondingly deemphasized. Achieving procedural compliance can be accomplished; realizing the intent of the Act, however, is far more challenging and requires financial resources, professional assistance and support in redefining roles and developing new skills, as well as considerable time. These are the areas in which assistance is needed if full implementation of PL 94-142 is to be achieved.

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GLOSSARY OF TERMS

Organizational Terms:

BEH	Bureau of Education for the Handicapped
LEA	Local education agency
SEA	State education agency
IU	Intermediate unit
NASDSE	National Association of State Directors of Special Education

Provisions of PL 94-142:

IEP	Individual education program
LRE	Least restrictive environment
FAPE	Free appropriate public education

Terms for Handicapping Conditions:

SED	Seriously emotionally disturbed
ED	Emotionally disturbed
EMH	Educable mentally handicapped
EMR	Educable mentally retarded
LD, SLD	Learning disabled, specific learning disabled
LH	Learning handicapped
TMR	Trainable mentally retarded

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I INTRODUCTION

Overview

Public Law 94-142, The Education for All Handicapped Children Act, is a comprehensive piece of legislation whose purposes are:

> to assure that all handicapped children have available to them . . . a free appropriate public education . . . designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist states and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

This is the first report of findings from a longitudinal study of the law's implementation in local public schools. It describes the status and dynamics of the law's implementation in 22 local education agencies (LEAs)* in 9 states during the 1978-1979 school year.

The 4-year study was commissioned by the Bureau of Education for the Handicapped (BEH) as part of the Bureau's overall evaluation of progress in meeting the intent of the law. It is designed as a set of in-depth, case studies of local school systems. This report describes how local school systems are responding to the law's requirements and explains, to the extent possible, the reasons behind the responses. It is based primarily on interviews with a wide variety of respondents (e.g., administrators, teachers, and parents) from the 22 greatly varied LEAs. The interviews were conducted by SRI staff on a twice-yearly cycle of site visits that began during the planning phase of the study in April and May of 1978. This report is a synthesis of information from all 22 cases and is the first of four annual reports.

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* LEAs are a diverse group of administrative units below the state level. In addition to local school districts, LEAs in our study include county school systems, intermediate units (IUs), and joint agreements or consortia among districts.

Background

In November of 1975 Congress passed The Education for All Handicapped Children Act (PL 94-142). Modeled on progressive state legislation and based on modern theories of instruction and learning, the Act represents a statement of national goals and is sometimes referred to as a civil rights act because it incorporates judicial decisions ensuring due process and equal access to education for handicapped children. It also affirms a respect for individual differences. Inherent in this Act is the belief that handicapped children, although exceptional along certain dimensions, share with other citizens the right to an appropriate, publicly funded education. The law emphasizes the role of the parent, guardian, or parent surrogate in serving as advocate for the child and as the agent to whom the educational system must be accountable.

The philosophy reflected in the major provisions of PL 94-142 includes the following concepts:

- Schools are responsible for reaching out and ensuring that no child is excluded from an appropriate education at public expense.
- Handicapped children should be identified, evaluated, and prescribed appropriate educational services without being mislabeled, stigmatized, or discriminated against.
- Each child must have an individualized education program (IEP)* that includes present level of performance, annual goals, specific objectives, special education and related services to be provided, and time schedules, and should be reviewed and reconsidered at least annually.
- Handicapped children should be educated in the least restrictive environment (LRE) possible.
- The process by which the child's program is decided should involve the child's parents and the child (where appropriate), as well as the child's teacher and a representative of the responsible agency of the public school system and other qualified professionals.
- Parents must be notified about a child's identification, evaluation, and placement; parents should participate in decisions and must give informed consent to program changes; due process rights to a fair hearing are to be provided when parents and the school cannot agree on a child's evaluation or program.

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* A glossary of terms and their abbreviations will be found on page xxi of this report.

- LEAs should participate in state personnel development systems to ensure that staff involved in the education of handicapped children are qualified for their jobs.

Although PL 94-142 was passed by Congress in 1975, the final mandate of the law--to provide a free appropriate public education to each handicapped child--was just taking effect as our study began in late 1978. It was only during this school year that a noticeable infusion of federal flow-through funds designed to facilitate implementation of PL 94-142 was made available to the local school systems.

Context of Evaluation Studies

The section of the law covering evaluation requires the Commissioner of Education to report annually to Congress on the progress being made toward providing the required services. Within the Office of Education, the Bureau of Education for the Handicapped is responsible for evaluating and reporting progress on the law's implementation.

In response to its evaluation mandate, BEH developed a set of six questions that forms the nucleus of its evaluation strategy:

(1) Are the intended beneficiaries being served?

(2) In what settings are beneficiaries being served?

(3) What services are being provided?

(4) What administrative mechanisms are in place?

(5) What are the consequences of implementing the Act?

(6) To what extent is the intent of the Act being met?

BEH draws on several sources to answer these questions. The states are required to provide BEH with annual plans and reports containing numerous facts and figures that BEH uses to address these questions. To supplement these data, BEH commissioned a variety of studies on particular topics and implementation issues (e.g., IEPs, LRE, Prevention of Erroneous Classification) and expressly required that these studies employ a diversity of methods. Each study takes a different perspective in addressing either one of these questions or a set of them. SRI International was awarded the contract to do a longitudinal study of PL 94-142 implementation at the local level, using an in-depth, case study approach. The study addresses all six questions from this perspective.

Orientation of this Study

Public Law 94-142 is both an education law and a civil rights law. Based on the presumption that many of the nation's handicapped children are being denied equal protection of the law, it simultaneously declares the right of all handicapped children to FAPE (i.e., "a free appropriate public education . . . designed to meet each child's unique needs") and requires the establishment of due process procedures to protect this right. This combination of educational and civil rights goals can be viewed from several perspectives. From the civil rights perspective, the law's superordinate goal is to protect the rights of all handicapped children to a full educational opportunity. In this perspective the law's most salient feature is its emphasis on procedural safeguards. IEPs, LRE, and nondiscriminatory evaluation are viewed as procedures intended to protect each child's right to FAPE. Since FAPE is defined in terms of individuals' "unique needs," this right represents something different for each child.

In this study we view the law from the perspective of educators. Looked at in this way, its most salient features are its requirement to serve all handicapped children and its detailed specification of the procedures that collectively define what an appropriate education means. In terms of what educators are required to do, the procedures designed to protect against discriminatory evaluation or placement in other than the least restrictive environment are integral parts of the FAPE concept itself; and due process procedures are the means by which the right to FAPE is protected.

To study the implementation of PL 94-142 as an education law, we adopted the view that it is a mandate to change the way local school systems operate in providing special education and related services to handicapped children. This view is spelled out in some detail in our conceptual framework (Chapter II), which provides the study with its basic orientation and focus. One part of the conceptual framework specifies explicitly how an ideal local special education system should operate under full implementation of PL 94-142. For example, the law requires LEAs to increase the scope and comprehensiveness of their special education services and at the same time to change current practices so as to meet the unique needs of each handicapped child. Another part of the conceptual framework presents our model of the context in which local implementation of PL 94-142 occurs. This model identifies several features of public service bureaucracies in general and local special education systems in particular that must be taken into account if the process of local implementation is to be understood. For example, the model emphasizes the importance of the organizational boundary between regular and special education and the fact that daily life in public service bureaucracies is characterized by a constant struggle to meet unlimited demand with limited resources.

Each of our 22 case studies was designed to tell the story of how the law and its implementation context fit together in one particular LEA during the 1978-1979 school year. At a minimum, each case study report documents the activities and events that were intended to implement the law in that one LEA. To the extent possible, it also describes specific features of the local context that explain why the law was implemented precisely the way it was (rather than some other way). In making these connections between implementation activities and the context in which they occurred, we took the perspective of the individuals at the bottom of the implementation ladder. Thus, each of the 22 case studies provides a "bottom-up" picture of local implementation under one unique set of circumstances. (This "bottom-up" perspective is described more fully in Chapter II.)

By comparing and contrasting these 22 idiosyncratic pictures of local implementation with each other, we were able to identify patterns and explanations that cut across the diverse characteristics of the 22 LEAs. These insights into the process of local implementation provide the basis for the findings and conclusions in this report. Where appropriate, we have used examples and quotations from the individual case studies to illustrate more general points.

Caveats and Comments about the Findings

Our method of approach is described in some detail in Chapter III. For readers who may choose to skip that chapter, however, we would like to mention three important elements of the strategy we employed to maximize our own confidence in the validity and generalizability of the findings. First, we designed our sampling procedure to ensure that our 22 sites manifested considerable variation on several factors deemed most likely to explain differences in local implementation of PL 94-142. These factors include the match between state and federal law, state funding formulas and special education administrative structures, and local availability and accessibility of resources. Second, we adopted a conservative approach to cross-site analysis in which we sought to disconfirm or qualify tentative findings on the basis of all 22 case studies. Only assertions that survived this process are reported. Third, we submitted our draft report for critical review to a wide range of stakeholders, including LEA directors of special education and representatives of parents' and teachers' associations, as well as professional colleagues.

As a result of these precautions and others, when we provide a reason or explanation for <u>how</u> or <u>why</u> something is being done, we are reasonably certain that the relationship is applicable to

LEAs in general, across the country.* By contrast, when we report how frequently we saw some event or activity (e.g., a written IEP for each child, waiting lists for appropriate placements, or due process hearings), our claims about prevalence are explicitly limited to the 22 LEAs we actually visited in our study. A study of this type cannot support any inference or extrapolation about prevalence to the nation as a whole.

In the same vein, we should be explicit about two large classes of questions about PL 94-142 implementation that our study does not address. First, we do not concern ourselves with activities and events beyond the realm of local level responses to the law. Of course there are many references to community influences, state funds, state education agency (SEA) activities and federal regulations throughout the report; one could hardly study LEA implementation of a federal law without taking into account the influence of state and federal factors. But we did restrict the study of those factors to their influence on LEA implementation and did not try to master the complexity of these factors in their own right.

Second, we should also make clear that our report describes local school system implementation of the law, but not student outcomes. In our view, local implementation of PL 94-142 consists of activities and events that aim to establish the legislatively required procedures and goals at the local level. These activities and events and their direct effects are the subjects of our study. In this sense, the law will have been implemented when the specific procedures are being followed in letter and spirit, regardless of whether these activities and events have produced measurable effects on the performance of individual children. Thus, we did not look at student outcomes, as traditionally defined by educational researchers.

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* We should emphasize, however, that when an explanation rests on some basic "fact of life" about local special education systems, its generality is necessarily a matter of degree. Thus, for example, the more difficult it is for teachers to cross the organizational boundary between regular and special education in a particular LEA, the more important it is for that LEA to provide some explicit "boundary crossing" mechanism at the school level (see Chapter VI). Similarly, when an explanation rests on some condition that varies from one LEA to another, the significance of that finding must depend on the degree of "fit" in each LEA. Thus, for example, the effect of rising transportation costs on children's placements should be significant in LEAs with large transportation budgets but trivial in some others.

The following two chapters describe our conceptual framework and method of approach. Our findings are presented in Part Two (Chapters IV-VII). Chapter VIII contains a summary of the findings and our conclusions from the first year of the study. In spite of our best efforts, we found it difficult to do justice to the findings in the summary chapter. The most interesting findings seem to be those most difficult to capture in summary form. Readers who are looking for an in-depth understanding of the process of local implementation are advised to take the time to read the findings chapters themselves.

II CONCEPTUAL FRAMEWORK

Overview

Public Law 94-142 is a federal mandate to change the way state and local school systems operate in providing services to handicapped children. The primary purpose of our study is to inform BEH and Congress about whether special education at the local level is changing in the way the law intended and, to the extent possible, to explain why or why not. We view local implementation of PL 94-142 as a process of mutual adaptation between the requirements of the law and the realities of local school systems (cf. Berman and McLaughlin, 1978). The requirements of the law dictate changes that local school systems must undergo, but the degree of these changes and the forms they may take are constrained by the organizational and financial structure of the schools and the political and social idiosyncracies of each local community.

The basic orientation and focus of the study are provided by our conceptual framework. In making explicit our point of view, it plays many roles in the actual conduct of the study (see Chapter III). The conceptual framework also allows the reader to judge the extent to which he or she shares our point of view. Its two major components are an analysis of the goals of local implementation and a model of the context in which local implementation occurs. The first component provides the study with a benchmark against which to assess progress toward full implementation. The second component serves to define the domain within which we expect to find most of the useful (i.e., policy-relevant) explanations for why local implementation is proceeding one way rather than another.

Goals of Local Implementation

The first major component of our conceptual framework is an analysis of the goals of local implementation of PL 94-142. It was derived from a careful scrutiny of the pertinent sections of the law, including both legislative language and history and the applicable federal rules and regulations. As the law and regulations are written, the logical and practical relationships among the various requirements and goals are not always easy to discern. Hence, we needed to provide our study with an explicit description of the most important of these relationships.

Overriding Goals and Broad Implications

PL 94-142 includes two overriding goals that pertain to LEAs: the provision of a free appropriate public education (FAPE) to all handicapped children and the protection of the rights of handicapped children and their parents. From the perspective we adopted in this study, FAPE is a broad, overarching concept that subsumes the "procedural safeguards" concerned with placement in the least restrictive environment and with nondiscriminatory evaluation. In this view due process procedures (e.g., for parental notification and informed consent, and for due process hearings to resolve disputes between parents and the schools) serve the specific function of protecting the right of all handicapped children to FAPE.*

We presume that few, if any, LEAs presently operate so as to achieve the goal of providing FAPE to all handicapped children. Implementing the law, therefore, requires LEAs to bring about change in prevailing practices. By comparing the current operations of most local special education systems with the ideal system implicitly described in the law, we derived two fundamental action implications, or implementation goals, that LEAs should strive for:

- Increasing the scope and comprehensiveness of special education services.
- Changing current procedures so they result in individually appropriate services for children.

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* Requirements for placement in the least restrictive environment and for nondiscriminatory evaluation are classified differently in the regulations than in the law itself. In the regulations, the procedures concerned with placement in the least restrictive environment and with nondiscriminatory evaluation are classified, along with due process procedures, under the rubric "Procedural Safeguards" (subpart E). In the law itself, however, the section titled "Procedural Safeguards" (Section 615) covers due process procedures exclusively. In light of this classification difference between the law and the regulations, we felt free to decide for ourselves which one best suited our purposes. We reasoned that the key distinction is between that which is being protected (i.e., the FAPE rights that are being guaranteed by the law) and that which is doing the protecting (i.e., the due process procedures designed to back up the guarantee). Although evaluation procedures and placement procedures logically may be construed as belonging in either category, we opted to include them as integral components of the FAPE goal.

The first of these implementation goals requires LEAs to reach out and serve all children in need of special education services (i.e., to eliminate inappropriate exclusion from the system). It also encompasses an increase in the range and flexibility of services available to eligible children. This has merit in its own right and is based on the presumption that a wide, flexible range of services facilitates movement toward less restrictive placements. In short, LEAs must identify and serve all eligible children.

The second implementation goal requires changing traditional practices in specific and fundamental ways; this amounts to a paradigm shift in how schools decide what services each child receives. Traditionally, special education practices have rested on classification: a child is classified as having one or more handicapping conditions that then determine what services are to be delivered, by whom, and where. The intent of PL 94-142 is to alter this system fundamentally by shifting the focus of special education from categories of disabilities to individual children's needs. The law now requires that a child's unique needs be identified and that services appropriate to these needs be provided. Instead of fitting children to available programs, schools are now required to design an individually appropriate program for each child. The procedures specified to accomplish this goal necessitate basic, structural changes in how educational programming decisions are made. These basic, structural changes must be one of the fundamental implementation goals for LEAs.

The FAPE Schema

After visiting all of our sites during the planning phase of the study, it became apparent that, with rare exceptions, personnel attracted to special education are dedicated to providing an appropriate education for all handicapped children. It was also apparent, however, that individuals working in these 22 diverse LEAs met with greatly varying degrees of success in attaining the ideals of PL 94-142. Although it is always possible for exceptional individuals to achieve their own, different purposes in spite of a system that discourages them, it is far more common for the structure of an organization to shape and direct individuals' actions. Therefore, we decided it was most useful to study the degree to which goals were met in terms of how local special education systems operate, rather than in terms of the

behavior of individuals or the degree of their compliance with specific provisions of the law.*

Figure 1 is a schematic representation of what the law says about how an ideal special education system should operate under full implementation of PL 94-142. The schema omits the due process procedures, not because they are any less important than the FAPE provisions, but simply because, conceptually and graphically, it is unwieldy to depict both on the same diagram. Parents who have a complaint may invoke due process procedures with respect to virtually any matter shown in the FAPE schema. Thus the protection afforded by the due process requirements is intended to permeate the entire system rather than be localized anywhere that might be usefully depicted in the schema.

The FAPE schema explicitly represents the relationships among the mechanisms, values, and goals in PL 94-142 that characterize an ideal local special education system. By this we mean a school system that is set up to achieve the goal of providing FAPE to all handicapped children in its jurisdiction, and in which due process procedures are functioning effectively. Thus, the FAPE schema serves our study as a working definition of the intent of the law.** The remainder of this section describes the elements of the FAPE schema in some detail, thereby introducing the reader to most of the specific requirements of the law with which our study was concerned.

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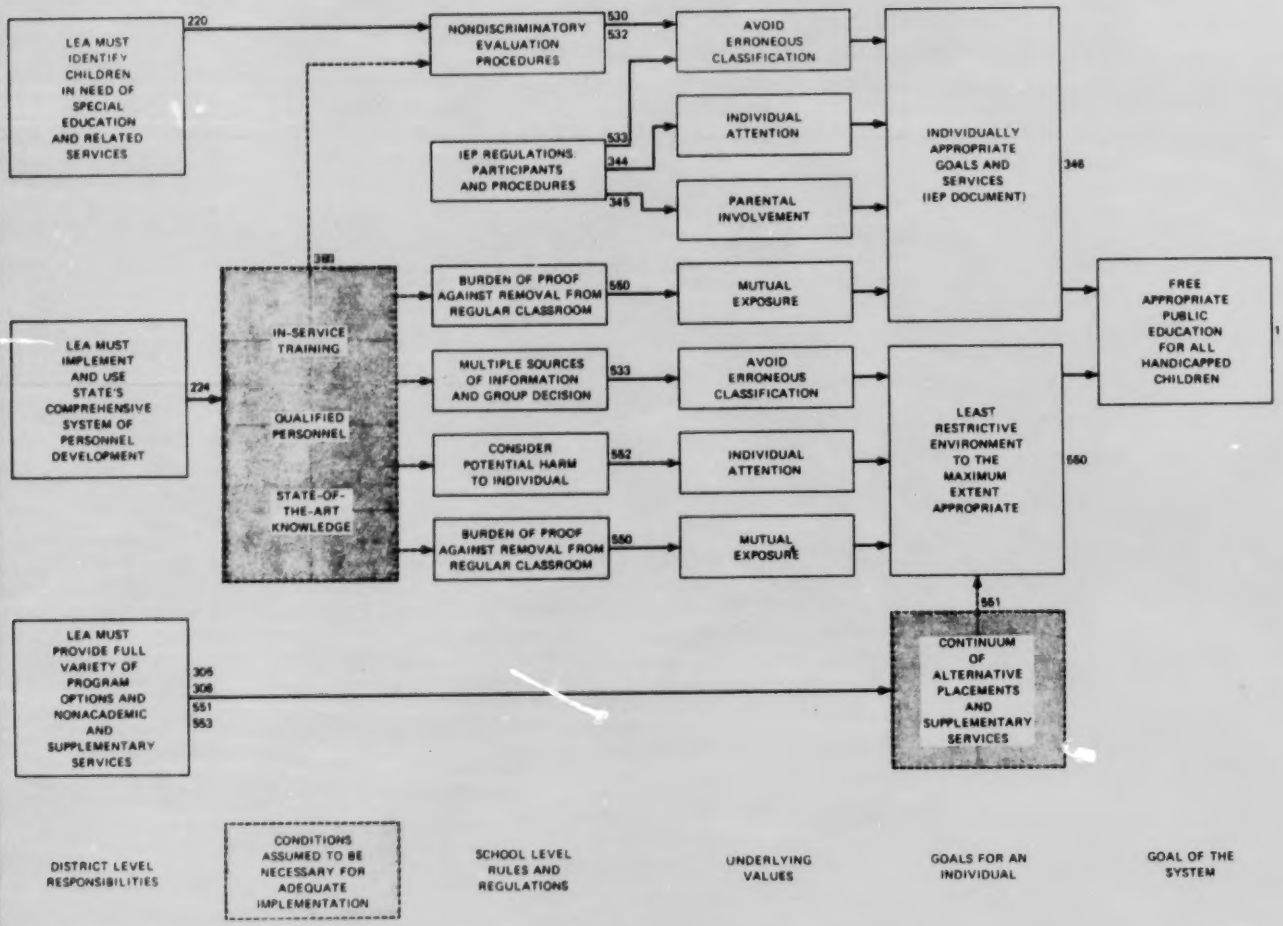
* The related decision, to conceptualize the spirit of the law in terms of a special education system operating in a manner compatible with the law's intent, effectively eliminated our need to address a host of questions dealing with individual motivation and blame. Thus, we were able to focus our attention where it was most likely to lead to policy-relevant observations: on incentives and disincentives, coping strategies, de facto priorities, and the practical difficulties of achieving the law's intent in organizations that were set up to operate differently.

** More specific statements of the law's intent appear in the relevant sections of the findings chapters.



NOTE: Numbers Near Boxes Refer to Regulations 121a.1 through 121a.754

FIGURE 1 STRUCTURE OF MECHANISMS, VALUES, AND GOALS IMPLICIT IN THE FEDERAL RULES AND REGULATIONS DESIGNED TO ACHIEVE THE FREE APPROPRIATE PUBLIC EDUCATION GOAL OF PL 94-142 AT THE LOCAL LEVEL

The ultimate goal of the system depicted in Figure 1 is to provide a free appropriate public education for all handicapped children. This requires that two complementary decisions be made about each handicapped child: What educational goals and services are individually appropriate for the particular child? and What is the least restrictive environment in which the child can be provided with the services appropriate to his/her needs?

Central to these decisions, and hence shown directly to their left in this schema, is a set of four basic values that can be inferred from a close reading of the legislative history of PL 94-142. Most crucial is the need for individual attention. Complementing this is the imperative of avoiding erroneous classification. Together, these two values constitute a fundamental shift in emphasis away from a system in which the assignment of a child to a category was the most significant event in the child's special education career. The third basic value is that of parental involvement. The final value derives from an awareness that both handicapped and nonhandicapped children benefit from the mutual exposure that "mainstreaming" provides.

Decisions about what is "appropriate" should result from treating the child individually, involving the child's parents, avoiding erroneous classification, and considering the benefits of mutual exposure. Decisions about what environment is least restrictive should result from a balancing act in which the "mainstreaming" goal of the law is reconciled with the child's best interest.

The law also includes specific requirements that should encourage the consideration of these basic values in the decision-making process. These requirements appear in the federal rules and regulations which are shown to the left of the boxes labeled "Underlying Values." In determining which services are most appropriate for the child, the key regulations concern IEP procedures, testing and evaluation procedures, and the need to justify removing a child from the regular classroom. To determine the least restrictive setting appropriate for the child, the salient regulations are those concerning multiple sources of information and multiple participants in decisionmaking, consideration of potential harm to the child and, again, the justification for removing a child from the regular class setting.

These requirements, and the values they promote, are considerations primarily dealt with by people at the school level (teachers, evaluators, principals) who work directly with the handicapped child. The role of the LEA administration in the law's implementation hierarchy is to provide the conditions necessary for school level personnel to carry out their functions as intended. These conditions are presented in the shaded boxes.

To choose a placement that is the least restrictive environment appropriate for the child, decisionmakers must have some range of placements available from which to select. Similarly,

placement, and services, and to permit the decisionmaking and service delivery mechanisms to operate as intended, the LEA must provide qualified personnel, in-service training, and the dissemination of "state-of-the-art" knowledge. Thus, the LEA is required to identify all children in need of special education and related services so that their individual needs can be determined. The LEA is also required to implement and use the state's comprehensive system of personnel development. Finally, the LEA must provide a full variety of program options and nonacademic and supplemental services in order to ensure that there is a continuum of alternative placements and supplementary services.

The main advantage of the FAPE schema is that it shows the relationships among the literal and implied requirements of the law and its regulations. It is not intended to describe what actually happens in a school or district; instead, it describes the considerations that ought to influence the way school systems refer, evaluate, place and provide services for handicapped children. If current practices in LEAs do not reflect these considerations, then the law intends that such practices change.

Context for Local Implementation

The second major component of our conceptual framework is a model of the context in which local implementation of PL 94-142 occurs. Because they are relevant to studying the implementation goals described in the preceding section, certain features and characteristics of public service bureaucracies in general and local special education systems in particular are described in this model. The law is designed to bring about some rather basic changes in how these systems operate; therefore, we have paid particular attention to the characteristics most likely to pose barriers to these changes.

Special Education Systems

Most local special education systems share three organizational characteristics that are likely to play a significant role in the implementation process: specialization of functions, division along the lines of different disabilities, and separation between the special and regular education systems. Although the structure of special education systems does differ from place to place, particularly as a function of the size of the administrative unit, these three characteristics are remarkably uniform.

Every special education system performs the same basic functions in the same basic sequence: students are identified and referred, evaluated, placed, and provided with services. In all but the smallest districts, different personnel are involved at different stages in this series of functions. Thus, to implement change (e.g., breaking down the historic tendency to provide services solely on the basis of a child's classification), the

effort must be coordinated so that each person in the process is working toward that goal. In a small district, this effort may amount to little more than the psychologist who is "in charge" of special education informally communicating a new concept to the appropriate people. In larger LEAs, however, assessment functions and service delivery functions are often performed by personnel reporting to entirely separate organizational entities, neither of which has a direct line relationship to other school level personnel. Specialization of function is at its greatest here: before a new concept can have significant impact at the school level, coordination must have begun at the highest level of the administrative ladder and been passed down step by step.

The traditional division along the lines of different disabilities is an even more fundamental obstacle for PL 94-142 implementation. For historical reasons, the typical special education system of today is literally designed to channel handicapped children into one of a fixed number of programs; the larger the system, the larger the organizational structure of each separate program. In its most extreme form, each organizational unit charged with the delivery of services for a particular disability may even have its own referral form and its own IEP format. Within such a system, the best efforts of an EMR (educable mentally retarded) coordinator to teach regular teachers to use a referral form may actually work at cross purposes to the efforts of an LD (learning disabilities)* coordinator doing the same job. Clearly, it is difficult to implement goals that emphasize the individual in a system so firmly rooted in classification by type of disability.

The organizational boundary between regular and special education also has deep historical roots. Although districts vary among themselves, special education has always been "different," either subordinate to the regular education system or autonomous, but with a much more limited budget or line authority. This separation typically exacerbates the stigma often associated with handicapped children (and those who work with them) and limits the ability of special education administrators to effect changes in policy. Given the emphasis in PL 94-142 on "mainstreaming" and other desiderata related to coordination between regular and special education, this organizational boundary merits attention.

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* Children with specific learning disabilities (SLD) are included as handicapped under PL 94-142. Because the abbreviation LD is more commonly used in practice, we use it, rather than SLD, throughout the rest of this report.

Public Service Bureaucracies

Local educational agencies share several features with other public service bureaucracies in which change has been studied. Police departments, welfare agencies, and school systems, among others, share certain characteristics that affect their capacity to change. One such feature is their public service orientation. Unlike organizations motivated primarily to maximize profits, public service bureaucracies are oriented toward satisfying their clients' needs for services; and client demand always expands to absorb all the services the system can deliver. A corollary is that problems literally never go away. Thus, a teacher could never meet all the individual needs of all her or his students, and at the same time meet the expectations of colleagues and superiors. Similarly, a district office can never meet all the legitimate needs of all the schools it serves and the agencies to which it is responsible. It follows that public service bureaucracies are chronically short of resources and are forced to compete for a limited share of them. Hence, their most basic need, adequate and reliable financial support, is dependent on politics and usually beyond their control.

This combination, unlimited demand and limited resources, means that individuals in public service bureaucracies inevitably develop coping strategies in order to make the necessary trade-offs. These strategies are not necessarily devised or implemented consciously, but they are inevitable. Examples abound: establishing priorities among programs to support or clients to be served, modifying goals, redefining or limiting clientele to be served, establishing routines to handle more individuals in less time, rationing services and, in general, exercising considerable discretion in day-to-day practice.

Finally, although mission-oriented, public service bureaucracies, as complex organizations, are also structured to maintain stability. Consisting of individuals whose role relationships are well defined, they do not change readily or by fiat. Hence, introducing fundamental change into a system like the public schools is bound to encounter some resistance and predictable problems.

The "Bottom-Up" Perspective

On the basis of our experience, the Rand study of educational change by Berman and McLaughlin (1978), and the hindsight afforded us by Weatherley's (1979) detailed study of the implementation of Chapter 766 (the special education law) in Massachusetts, we know that local contextual factors play a major role in shaping the specific nature of the inevitable trade-offs and coping strategies of both individuals and organizations. Weatherley provides many illustrations, such as the predictable tension between identifying and serving a larger number of children and providing more individualized attention for those

already in the system. A school principal, for example, must decide whether to spend numerous hours arranging an in-service training program to help all his regular teachers improve service to handicapped children in their classes or to spend those hours helping a teacher solve the problem of one child's needs for more appropriate services.

Along with the Weatherley and Lipsky (1977) "street level bureaucrat" model, we take the perspective that policy is being made (i.e., "implemented") by the behavior of the individual most closely in contact with the client. From this point of view, the higher federal and state administrative levels function as constraints on the range of options available to these local "policymakers." These constraints can be either facilitators or inhibitors when they are compared with some idealized standard of performance. For example, a state requirement that a psychologist use a particular battery of tests constitutes a constraint within which the psychologist has to operate in conducting an evaluation. If the requirement is consistent with the goals of PL 94-142, it facilitates progress toward implementation; if not, the requirement inhibits it. What this means is that individuals in public service bureaucracies are always being "squeezed" between constraints from above and demands from below. At any point on the administrative ladder there is always some level of the organization that is under pressure.

Our study of local implementation focuses on two levels of local special education systems: the administrative (district) level and the service delivery (school) level. In later sections of this report, we often use the term district to refer to various administrative level staffs; similarly, we refer to all service delivery personnel (e.g., psychological evaluator, resource teacher, principal) as school level. These two levels, with their respective contexts, are depicted in Figure 2.

The top half of the figure represents the administrative level. Assuming the administrative unit is a district office, the SEA at the top sends down regulations and money, monitors the district office, and provides technical assistance.* Immediately below are the schools, needing and demanding as much help from the district office as they can get. As an organization, the district office has certain attributes ("within-office factors") that may facilitate or inhibit its capacity to get things done. An unusually competent administrator can increase the capacity of this office to deal with its problems. If the administrator is the only district-wide special education person--as is the case in many small districts--then his or her capacity <u>is</u> the district office capability. In any case, we expect the office to be

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* The SEA itself is affected by its own context, of course, but we take this level into account in our study only to the extent that it has a direct effect at the LEA level.

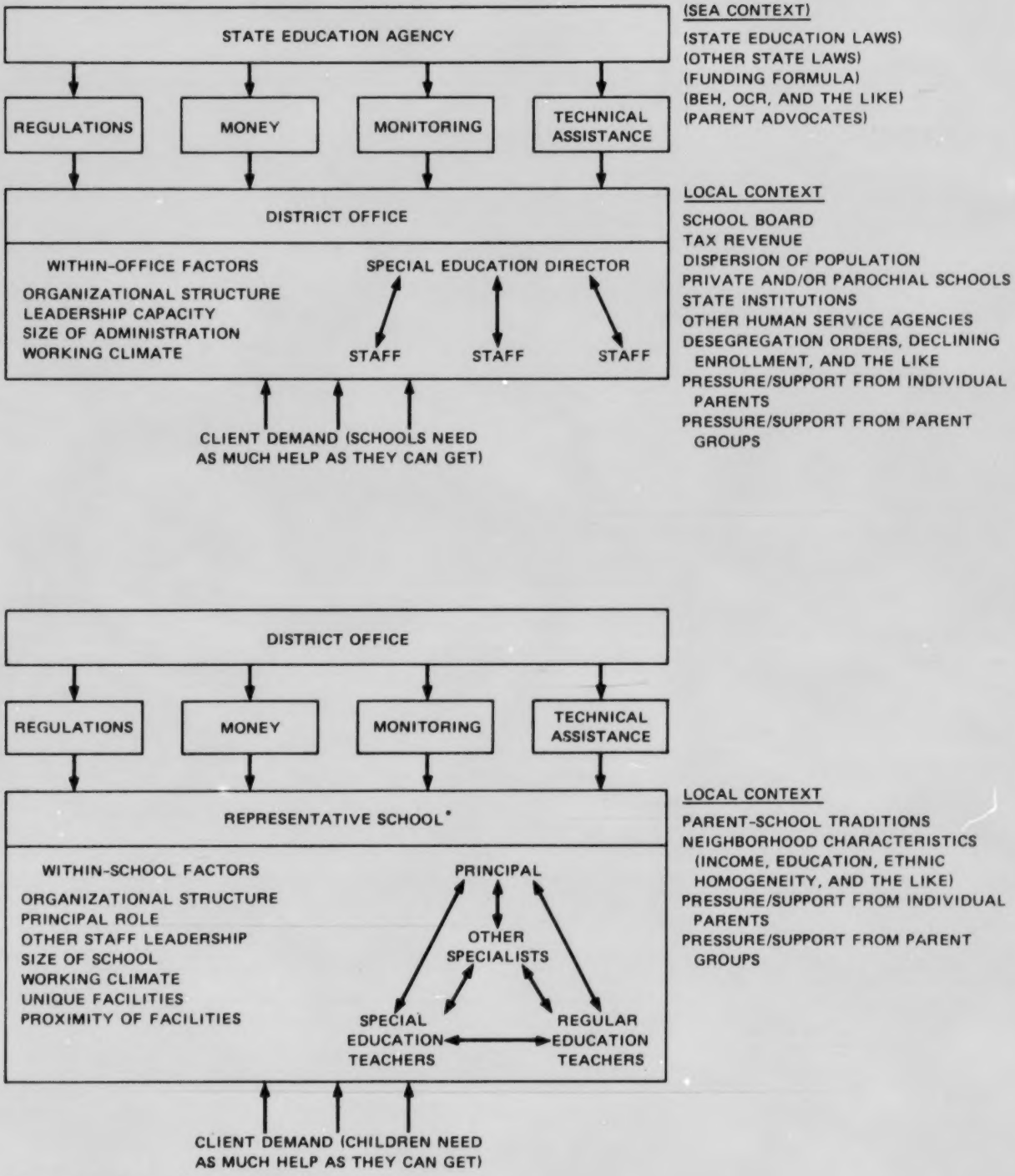

FIGURE 2 MODEL OF IMPLEMENTATION CONTEXT

figuratively "bursting its seams" because of pressures from top and bottom. According to our view of discretionary strategies, the specific, concrete, day-to-day details of the local context will determine where the figurative "bulges" occur. Thus, for example, a district with little or no organized parent pressure will find it relatively easy to place a low priority on the parental involvement requirements of the law. On the other hand, a district with organized and vocal parent pressure cannot long avoid responding to the parent involvement requirements, despite the heavy commitment in time and personnel that this entails.

The bottom half of Figure 2 depicts the service delivery (school) level. At the top is the district office, representing both the helpful and restrictive constraints that act on the local school. Below are the children to be served. The quality of school personnel and leadership (and other "within-school factors") varies, as it does at the district level. Given the view that schools operate at or near their capacity, when they are caught up in the demands-resources squeeze, their priorities depend a great deal on the specific, concrete, day-to-day details of the immediate context. For example, when only one opening for a special program exists, one would expect that those with the loudest demands will likely be given the most attention. Of course, these demands may come from frustrated teachers as well as persistent parents. What our model suggests is that the relative volume of demands is related to such ("local context") factors as the economic and educational level of parents and the traditional parent-school relations in the neighborhood where the school is located.

In summary, our model of the implementation context adopts a "bottom up" perspective on implementation. To study the progress of implementation, we focus our attention on the structural features of local special education systems and on a few basic "facts of life" common to all public service bureaucracies. In doing so, we share the point of view of the individuals who deal most directly with handicapped children and their parents. These "street level bureaucrats," be they teachers or school-level administrators, are the individuals whose responses to the requirements of PL 94-142 determine whether or not the intent of the law is met. Their responses, in turn, reflect the circumstances of their daily lives, of which the federal law is only one factor. Thus, to understand local implementation, we must understand how the requirements of the law do or do not mesh with preexisting local practice.

The "bottom-up" perspective relegates PL 94-142 to just one factor among many influencing the practice of special education. While this is an accurate view because the progress of implementation is, in fact, multiply determined, it minimizes our ability to attribute any particular fact or event to the law, per se. Instead of attempting to isolate the effect of the law by itself, we study the effect of the law in combination with preexisting state and local contextual factors. Because any change that

policymakers might institute in the law or regulations would also have to operate under this same combination of factors, this approach seems suited to provide policymakers with the most appropriate point of view.

This conceptual framework has continued to evolve over the first year of the study. As elaborated in the following chapter, our basic method of approach is iterative. For the conceptual framework, this approach means continued revision and refinement, such that, at any given point in our study, the current version incorporates and represents what we have learned about how best to think about local implementation of PL 94-142. In this sense, the conceptual framework is in itself an important product of our study.

III METHOD OF APPROACH

Overview

In conceiving this study, BEH recognized the importance of delving into the underlying dynamics of local implementation. To best use its resources for this purpose, the Bureau's request for a longitudinal study specified a multiple case study design.

This design has obvious advantages for leading to policy-relevant insights. The open-ended, intensive style of case study research is ideally suited to investigating complex processes and discovering unexpected relationships that could elude a more structured, survey-type approach. Moreover, the main weakness of a case study--that it provides depth at the expense of breadth--is obviated when the results of many similar case studies can be compared and contrasted with each other. Nevertheless, all designs have their pitfalls; hence, to maximize the validity and generalizability of our findings, we infused our methods with precautions against the major pitfalls we could anticipate.

We knew that we could generalize relationships from our sample to a larger population only if the sample included a wide range of variation on important explanatory factors.* Thus, in selecting our sample, we designed procedures to ensure that our 22 sites varied considerably on the factors then deemed most likely to explain differences in local implementation. After three visits to each site, our staff were able to develop a more informed list of factors on which it was essential there be variation in order to protect against invalid inferences. We were then able to confirm that our sample selection procedures had indeed accomplished this purpose.

In conducting the individual case studies, we designed procedures to ensure that we obtained multiple perspectives, asked relevant questions, and avoided premature closure. These procedures minimized the danger that our site-by-site findings would be trivial or unnecessarily contaminated by respondent or interviewer bias. Also, in performing cross-site analyses, we adopted an inductive logic of disconfirming or qualifying propositions rather than a deductive logic of testing hypotheses. This approach, among its other virtues, enabled us to avoid the loss of interesting and important findings that appeared in only a few sites or in different forms in different sites.

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* We discuss the subject of generalizability at greater length on page 28 ("Variation on Important Factors").

Finally, our methods included the validating step of peer and practitioner review of our findings. By circulating our draft report among a score of critics with a wide variety of perspectives, we assured ourselves that our inbred limitations had not produced a phantom picture of reality. Ultimately, of course, any longitudinal study also benefits from the opportunity to make improvements over time on the basis of continuing feedback. The rest of this Overview section introduces two orienting concepts that illustrate how this works in our study.

Cycles of Data Collection and Analysis

The iterative, cyclical nature of our study is illustrated in Figure 3. Each year of the longitudinal study includes two cycles of data collection and analysis. Each cycle begins with the current conceptual framework, which represents our current understanding of how best to think about local implementation of PL 94-142. In the fall of 1978 in particular we had the benefit, not only of our prior knowledge and experience, but also of what we had learned from site visits conducted during the planning phase of this study. As described in more detail in subsequent sections, the conceptual framework provides the starting point for generating a working list of topics to pursue on site (the "debriefing format") and criteria for site visitors to use in selecting respondents with whom to schedule interviews. It is also the source of more general concepts that provide some of the content of site visitor training. After this training, the cycle continues with the site visits themselves, individual site analyses, and cross-site analyses. As illustrated in Figure 3, decisions made during earlier stages in the cycle may be modified as dictated by experience during later stages. Finally, the results of data analyses feed back into the conceptual framework, where the next cycle will begin.

There are two different ways in which our knowledge grows with each cycle of the study. First, we describe changes in the status of special education in our sites that take place over time on specific topics of interest (e.g., uses of IEPs or the range of currently available services). To the extent that the same topics remain of interest over time, these descriptions of changes in status are analogous to traditional longitudinal data. Because this report covers only the first year of the study, none of our data or analysis are of this nature. Subsequent sections of this chapter on data collection and analysis therefore make no further reference to this kind of longitudinal data.

Second, with each cycle of the study we increase our ability to judge what feature of each topic is most important to pursue

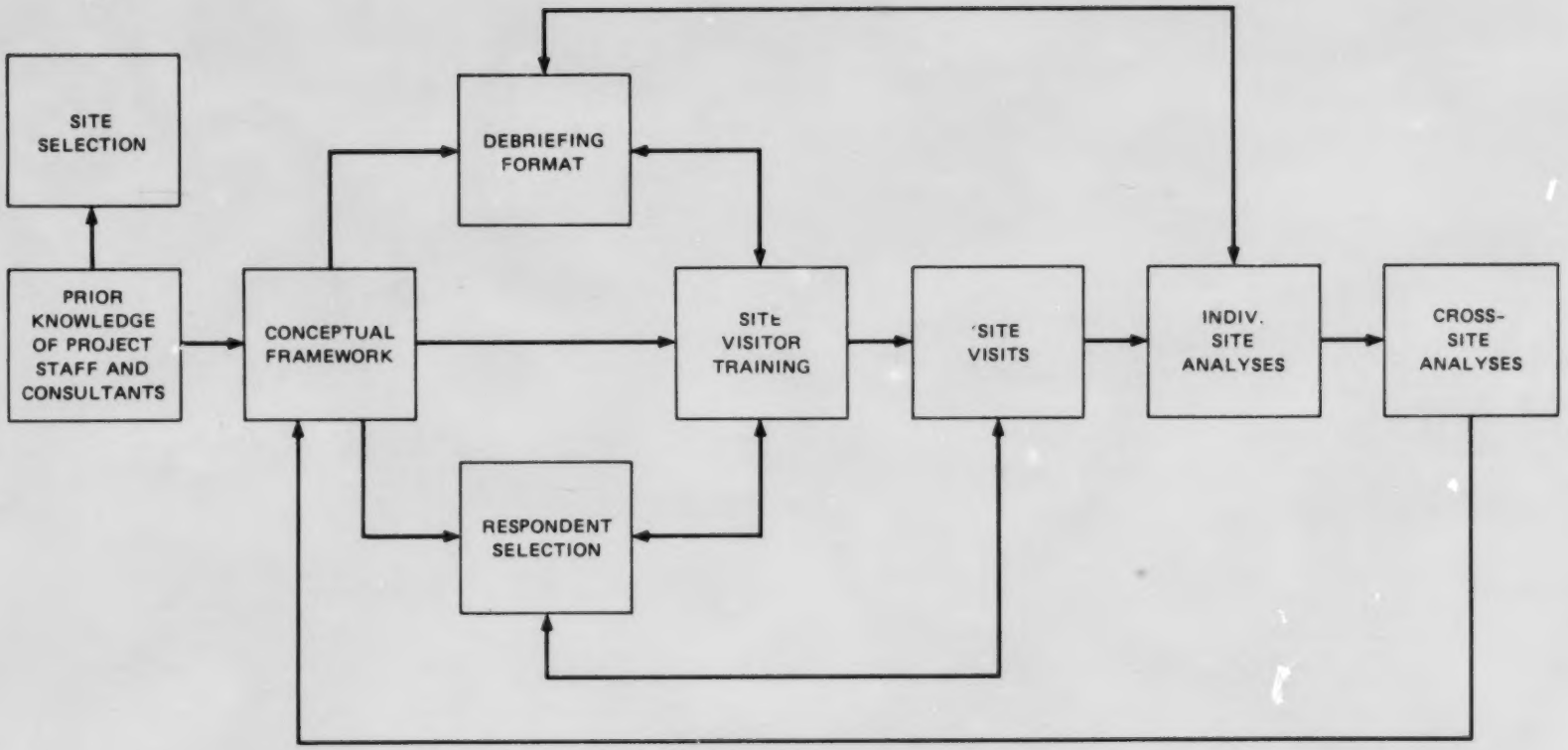

FIGURE 3 OVERVIEW OF METHOD OF APPROACH

in greater depth. At the level of the study as a whole, this increase in knowledge leads us to refine the conceptual framework and to shift our approach to particular topics. Thus, for example, our first year of data collection revealed the importance of "prescreening" (informal prioritizing) in the referral process, but we were not prepared to explore the dynamics of prescreening to any great depth because we had not anticipated its importance. If warranted by our current priorities, we will be able to approach this topic with more sophistication the second time around. At the level of an individual site, this increase in understanding over time is a unique advantage of the case study approach.

Role of the Site Visitor

Another important orienting concept is that of the site visitor as the data collection instrument, rather than a data collector who makes use of a data collection instrument. In our study, it is in the person of the site visitor that the techniques for conducting case studies and for achieving comparability across cases merge. All site visitors are trained to understand the conceptual framework, the particular topics to be pursued, some general techniques for maximizing validity, and specific criteria to guide respondent selection (Figure 3). The essence of effective data collection, however, is the choice of particular respondents and the specific ways in which each topic is pursued at individual sites. These decisions can be best made by a site visitor who is thoroughly familiar with the characteristics of a particular LEA. Hence, it is the site visitor who combines knowledge of a particular LEA with the topics derived from the conceptual framework. The perspective gained from this combination forms the basis for a site visitor's particular way of obtaining information, information which is not only unique to the site but which simultaneously addresses the common topics of our study as well. (This use of common, systematic procedures, of course, greatly facilitates cross-site analyses on the information thus obtained.)

The site visitor must also constantly adapt to the particular situation while collecting data in the field. Acting essentially as a data analyst in real time, the site visitor is constantly generating explanations and testing them against new information. Each new response leads the site visitor to strengthen, reject, or revise the hypothesized relationship. Thus, each site visit itself is characterized by cycles of discovery and verification, a replication in miniature of the iterative character of the study as a whole. The cumulative product of repeated visits to the same site is a site visitor whose combined knowledge of the concerns of our study and the details of the individual site provides a remarkably powerful tool for data analysis, both within and across sites.

The initial selection of sites is the only stage of the study that does not reflect its iterative nature, because the sample (or a portion of it) is kept constant for longitudinal comparisons (Figure 3). The following section describes the method by which we selected our sample and provides evidence of the variation within the sample on important explanatory factors. Subsequent sections describe our data collection and analysis procedures.

Sample Selection

The goal of sample selection was to choose a number of sites small enough to study intensively and yet varied enough to support generalizations to a larger population. To accomplish the former, we limited the number of sites to 22. To accomplish the latter, we selected factors that we believed would be most likely to explain differences in local responses to PL 94-142 and that could be ascertained, at least grossly, in advance. We then devised procedures that would ensure maximum variation on these factors among the LEAs in our sample.

Selecting States

The purpose of selecting states was to maximize the likelihood of obtaining relevant variations among the LEAs in the resulting sample. To ensure this variation, we began by selecting states that represented the continuum on the match between existing state special education laws and PL 94-142. We presumed that the extent to which states had enacted requirements similar to PL 94-142 before its passage would strongly influence the responses of their LEAs to the new requirements. Hence, we used state level measures of policies similar to PL 94-142 as a proxy for the extent to which LEAs in the state would have had a head start in implementing the new law.

To measure the match between state laws and policies and PL 94-142, we first used information from the review of state laws and regulations conducted by the National Association of State Directors of Special Education (NASDSE). In keeping with the philosophy of our study, we also interviewed persons with firsthand knowledge of state practices. These included NASDSE staff and BEH state plan officers. This enabled us to sort states into three categories--low, middle and high--according to how closely their state policies matched the major provisions of PL 94-142 (individualized education programs, parent involvement, a variety of placement settings, and allowances for least restrictive placements).

To select the states in which LEAs would be chosen, we held a conference in Washington, D.C., attended by SRI staff, BEH officials, and NASDSE staff. During the meeting we sought comments on the results of these classifications. At the suggestion of

the participants, two other state level factors were added to our selection criteria: state funding formulas for special education and the state system of organization for special education. Based on these criteria and the comments of the conference participants, we chose nine states that represented substantial variation on the factors: California, Florida, Illinois, Mississippi, Oklahoma, Pennsylvania, Rhode Island, Tennessee, and Washington.

Selecting LEAs

LEAs in these states were selected so as to maximize variation on local factors that we expected would influence responses to PL 94-142. We presumed that the availability and accessibility of resources would strongly affect local special education practices. We defined availability of resources as the amount of local funding, facilities, qualified staff, administrative leadership, and community involvement. We defined accessibility of resources in terms of geographic size and population dispersal. We also wanted to ensure variety on other potentially significant influences such as the presence of residential institutions, collaborative relationships with other districts, state-supported special schools, and separate buildings for special education.

To obtain information on these factors and nominations for LEAs to be included for study, we spoke with the state directors of special education and other state level personnel in all nine states. During these conversations we described both the purposes of the study and our definitions of the factors on which we wanted variation. The former was necessary in order to communicate that the success of the study rested on our ability to see problems as well as solutions; hence, we pointed out that the study would fail if only exemplary LEAs were nominated. Because the factors were essentially clusters of variables and not individually measurable, we also spent considerable time explaining what we meant by resources and the type of variation we were seeking. The nominations we received reflected our criteria and covered a range of districts from each of the nine states. From these recommendations, we chose two or three LEAs from each state, primarily to ensure variation across the entire group of them and on the basis of logistical concerns. This resulted in a sample of 22 LEAs (Figure 4).

Variation on Important Factors

Before looking at the evidence that shows we achieved requisite variation in our sample, we should consider how this evidence is related to the generalizability of our findings. We are particularly concerned about the generalizability of the underlying reasons or explanations for local responses to PL 94-142 that we infer from the data in our sample. To be useful to policymakers, these explanations must be generalizable to a larger

FIGURE 4 FIELD SITES FOR THE LONGITUDINAL IMPLEMENTATION STUDY OF PL 94-142.

population than the 22 LEAs we visited. Because the requirements for generalizability are an extension of the requirements for validity, we begin with a discussion of the latter.

A reason or explanation is valid only to the extent that (1) it is plausible in its own right and (2) we believe that all relevant alternatives have been adequately considered and rejected.* Thus, one cannot prove that an explanation is valid; one can only persuade by argument or by appeal to another's experience that both these criteria have been met. At a minimum, such persuasion requires that the explanation be derived from a sample containing the factors generally believed to be likely explanatory factors. To make a case for validity, one should maximize the variation on as many of these factors as possible. This is because the more a factor varies within a sample, the more reliably its relative importance can be judged. To be even more persuasive, it should be possible to argue that no reasonable candidate explanatory factor has been excluded from the sample.

The criteria for valid inference call attention to the relative importance and relative exhaustiveness of the explanatory factors included in the sample, not merely how much these factors vary. Including all the relevant explanatory factors is necessary to allow the possibility of valid inference; the higher the variation on these factors, the higher the likelihood that valid inference will be achieved in practice.**

An explanation is generalizable from a sample to a larger population only to the extent that (1) it meets the criteria for validity within the sample and (2) we believe that the explanation would appear equally valid if it were tested, by the same criteria, against the data in any other sample comparably drawn

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* This is the crux of all inductive inference. Researchers vary in their abilities to think of relevant alternative explanations, to collect and use data skillfully to test them, and to persuade their audiences that they have done an adequate job. Similarly, the multiple audiences for and stakeholders in research efforts vary in both the sophistication and the neutrality with which they make judgments about the adequacy of these efforts. Hence, reasonable people sometimes disagree about whether a particular research finding meets the criteria for a valid explanation.

** For purposes of this discussion, we assume that the validity of inductive inference is not limited by inadequacies in the analysis of the data provided by the sample. (Our procedures for data analysis are described in a separate section later in this chapter.)

from the larger population.* Thus, the specific criterion for generalizability from a sample is the belief that all the important explanatory factors in the larger population are adequately represented in the sample. Again, the more variation there is on these factors, the more confidence we have that they adequately represent the larger population.

Assessing the adequacy of our sampling choices was a major goal of the preliminary site visits during the Spring 1978 planning phase of our study. Although the site selection factors themselves are not directly measurable (see "Selecting LEAs," above), interviews and documents collected on site provided numerous facts and figures about resource availability and accessibility. State laws and regulations also provided relevant information to confirm the expert advice we had accepted in the process of selecting states. When we used this kind of information to assess the variability in our sample, we were satisfied that it met any reasonable expectations.

After the Spring 1979 site visits, we were in a position to see whether differences in implementation were associated with differences in the kinds of factors we had used to select our sites. With a full year's formal data collection behind us, the staff held a series of meetings to reach some consensus on the set of factors to include in a "site factor matrix." The main criterion for including a factor in the matrix was the same as it had been for choosing the factors that provided the basis for sample selection: the belief that it exercises a significant influence on local PL 94-142 implementation. We also limited the set to the kinds of factors that could be stated and defined so as to apply, as least in principle, to all 22 LEAs.** The main difference was that this time our judgments were based on what we had each learned from interviewing respondents with multiple perspectives in several LEAs.

Tables 1 and 2 present these state and local level factors and their definitions. After a year's experience in the field, these are the 11 explanatory factors that we judged collectively to be most important in accounting for differences among LEAs in

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* In the case of statistical inference, this belief is justified within known limits to the extent that certain assumptions about the population are true and certain procedures for sample selection are followed.

** At individual sites other factors (e.g., local politics) were often, if not always, equally or even more important influences on PL 94-142 implementation. Moreover, the chosen factors so often act in combination with each other that their individual effect at an individual site may be essentially impossible to determine.

TABLE 1

STATE LEVEL FACTORS AFFECTING LOCAL PL 94-142 IMPLEMENTATION

FACTORS AND HOW THEY WERE DEFINED	DISTRIBUTION OF STATES IN OUR SAMPLE		
	+	Neither	-
TRADITION: State special education law as of 1977-1978; plus if progressive, facilitates; minus if regressive, inhibits.	6	2	1
FINANCIAL SUPPORT: As perceived by locals during 1978-1979; plus if abundant, praised; minus if meager, acute problem.	2	6	1
ADMINISTRATIVE LEADERSHIP: As perceived by locals; plus if helpful; minus if detrimental.	2	2	5
MONITORING: As perceived by locals; plus if helpful; minus if detrimental.	1	7	1
ELIGIBILITY CRITERIA: With regard to individualization of services; plus if reasonably flexible; minus if unreasonably rigid.	1	7	1

TABLE 2

LOCAL LEVEL FACTORS AFFECTING LOCAL PL 94-142 IMPLEMENTATION

FACTORS AND HOW THEY WERE DEFINED	DISTRIBUTION OF LEAS IN OUR SAMPLE		
	+	Neither	-
TRADITION: Relative to general education, as of 1977-78; plus if good support in the past; minus if poor support in the past (even if getting better now).	13	5	4
RESOURCES: Relative wealth and political clout within the state; plus if facilitates implementation relative to other LEAs; minus if inhibits implementation relative to other LEAs.	7	8	7
ADMINISTRATIVE LEADERSHIP: Plus if facilitates relative to other LEAs; minus if inhibits relative to other LEAs within the state.	13	7	2
SIZE OF ADMINISTRATION: Of special education; plus if small or simple, minus if large or complex enough to require attention in its own right.	9	5	8
DISPERSION/COMMUNITY STRUCTURE: Plus if urban, industrialized, densely populated, many low-incidence handicapping conditions; minus if rural, not industrialized, sparsely populated, few low-incidence handicapping conditions.	6*	9**	7
PARENT PRESSURE: Plus if heavy pressure for services, high expectations relative to resources, parents are organized; minus if passivity, need to reach out, expectations are met by present services.	3	8	11

*One also high dispersion.
**Includes three suburbs and one small town.

their implementation of PL 94-142. These factors are quite similar to, albeit more proximal and differentiated than, the factors on which our sites were originally selected. We invite our readers to compare this set of factors with their own experiences.

Tables 1 and 2 also provide the opportunity to look at the variation in our sample on these factors. A few comments may be helpful in interpreting the entries in the tables. The "neither" column was used for two different purposes: to indicate an "in between" point on the scale and to indicate that the scale could not be meaningfully applied to a given state or LEA. Because three of the five state-level criteria were defined from the LEA perspective, it was common for a state to be judged "neither" when different LEAs saw the same SEA from conflicting perspectives. This was particularly the case for monitoring, which should be no surprise to our readers. It also appears that our sample overrepresents progressive states and progressive LEAs or that we came to view more of our sites in these terms after we had visited them. Notwithstanding this tendency in the tables, the data reinforce our conviction that the sample meets the "bottom line" criterion for generalizability of explanations: no cell is empty.

Because the data reflect judgments that our respondents made in confidence, we do not disclose which states and LEAs belong in particular categories. Unfortunately, this constraint results in tables that present a very conservative picture of the variation in our sample. To convey more accurately the extent to which our 22 LEAs represent a variety of combinations of explanatory factors, we present the following capsule descriptions of each site's characteristics.

California

- Butte County is a consortium of 15 school districts in a rural mountain area in northern California. The consortium serves 22,100 students of whom 1,600 are in special education. The consortium was formed to prepare to meet the full educational opportunity/free appropriate public education requirements of PL 94-142 and the California Master Plan for Special Education. Chico State University lies within the county and trains special education personnel.
- Fresno Unified School District is the sixth largest district in California, serving approximately 3,332 exceptional students. Two colleges within the county provide special education teacher preparation. The economy is largely dependent on agribusiness, with a large minority population. Although ranking low on income, the district ranks high on expenditures for instruction. A desegregation plan and the California

Master Plan for Special Education are being implemented simultaneously with PL 94-142.

- San Diego Unified School District is the 11th largest district in the United States, in a city with a large senior citizen population, a large naval base, and two large universities. The special education department is made up of a complex administrative structure that encompasses 5 divisions and 18 different subdepartments. The school district is implementing a court-ordered desegregation plan and has been accepted into the California Master Plan, while in addition adjusting to cutbacks from the passage of the Jarvis-Gann property tax reduction initiative.

Florida

- Hillsborough County's public schools are consolidated into a single school district which is the 22nd largest in the United States, serving approximately 11,500 handicapped students. Tampa, the county seat, is the regional financial, service, and distribution center for Florida's west coast. A large minority population is present in the county, and there are two universities that provide trained special education personnel to the schools. LEAs in Florida exhibit a great deal of independence as do principals within LEAs through the adoption of a school-based management system.
- Okeechobee is a poor, rural county in southern Florida whose main industry is agriculture. There is a large Spanish-speaking, Indian, and migratory population within the county. Like all LEAs within Florida, the Okeechobee School District is a county system and serves a highly dispersed population of 4,300 students of whom slightly over 10% are in special education. Because of its rural location, access to and attraction of resources has been limited.

Illinois

- Lee County Joint Agreement is a special education cooperative located in rural northcentral Illinois that was formed in 1967 when it was mandated that Illinois schools provide special education for all children, ages 3-21, by 1969. The joint agreement includes all of Lee County and two or three districts from surrounding counties, and serves 17% of the school-aged population in special education. One of the largest employers is the residential state mental health facility located in Dixon with an estimated 400 school-aged children to be served.

- Northern Suburban Special Education District (NSSED) is a joint agreement of 23 member school districts on Lake Michigan to the north of Chicago that is composed of a series of affluent, politically astute, suburban communities. NSSED, which has been in existence since 1960, serves approximately 5,000 handicapped children in a total school population of 47,000.

Mississippi

- Itawamba is a rural county in northeastern Mississippi whose main industry is agriculture. The dispersed population of 3,700 students is served by 7 schools in the district. The special education program was instituted in 1973 and serves 181 students. The program is supplemented by close cooperation with the SEA and state-directed Area Learning Resource Center.
- Pascagoula Independent School District is located in Jackson County, one of the most affluent in Mississippi, due to an economy based on light and heavy industry. The population is diverse, including Indians and Vietnamese who have settled in the area and who are supportive of school programs. Two nearby universities provide the district with technical assistance as well as teaching personnel. The school district serves approximately 9,000 students of whom between 625 and 675 are in special education.

Oklahoma

- Gutherie is a generally low-income, rural community located in central Oklahoma whose population is largely made up of migrant and retired individuals and small-factory workers. The Guthrie School District serves 2,700 to 3,000 students in grades K-12, of whom 222 are served by special education. Limited local funds have hindered the availability of resources and made the district largely dependent on state and federal support.
- Tulsa is the second largest city in Oklahoma; its major employers are the aerospace and aviation industries. The Tulsa School District serves approximately 60,000 children located in 4 counties covering almost 140 square miles. The parents and advocacy groups within the community are strong and active. Qualified staff are an accessible resource and there are two nearby state schools to serve the severely handicapped (Oklahoma law prohibits paying for services in private schools).

Pennsylvania

- Bucks County Intermediate Unit consists of 13 school districts located in a suburban area north of Philadelphia. Intermediate units replaced the county school operations in the early 1970s and are responsible for the support services for all school districts under their jurisdiction. An estimated 12,000 exceptional children in Bucks County are served by public schools, a number of private schools, a private licensed facility, and a state school and hospital.
- Central Susquehanna Intermediate Unit (CSIU) encompasses 17 school districts within a 5-county rural region of central Pennsylvania. The CSIU provides approximately 68% of all programs and services to the region's 4,000 handicapped students and is responsible for the educational programs at 2 state institutions.
- Philadelphia School District is its own intermediate unit, organized into 8 sub-districts, and has a public school population of approximately 153,000 students of whom 20,000 are in special education. Of the state's 44 approved private schools for the handicapped, 33 are in the Philadelphia area and the parochial school system is almost as large as that of the public.

Rhode Island

- Coventry is a middle-class community, considered to be a suburb of Providence, and covers a fairly large geographical area. Of its approximately 5,500 students, between 380 and 420 are identified as having some handicapping condition. Due to its proximity to Providence and the small size of the state, the district has access to a variety of state-supported and private facilities.
- Woonsocket is a manufacturing town whose population has a strong French background. The Woonsocket Public School District consists of approximately 9,700 students and serves about 900 handicapped children. The special education budget is largely subsidized by the state and, because the town is fairly near to the capital, it has access to a variety of state-supported and private facilities.

Tennessee

- Campbell County is situated just south of the Kentucky border in northeast Tennessee and covers about 600 square miles of rural Appalachia. The area is the largest coal producing district in Tennessee and people living in the outlying areas of the county lead a very rural lifestyle.

The school district covers seven towns, and special education serves approximately 17% of the 7,000 school-aged children. Campbell County is part of a four-county cooperative that provides many general services, and the state provides technical assistance and compliance monitoring through regional offices.

- Memphis, noted as an educational and medical center, is a large urban area located in the southwest corner of Tennessee. Two large universities and a number of colleges provide the school district with trained personnel. The Memphis City School System serves 125,000 students in 126 schools, including 16,600 handicapped students. The private school population has increased since the institution of court-ordered busing.
- Nashville is the second largest city in Tennessee, the home of country music and the state's capital. Within the Nashville area there are several major colleges and universities that the school district uses as a source for staff development, program innovations, and personnel recruitment. Advocacy groups are very active and were instrumental in getting legislation, based on the Council for Exceptional Children model, enacted in the state. The Metropolitan Public Schools serve approximately 76,000 students, of whom about 11,000 or 14% are handicapped.

Washington

- Edmonds School District is located in Snohomish County and is considered a suburb of Seattle. The major employers are Boeing Aircraft and the school district; the economic make-up of the district is diverse, ranging from upper to lower income families. Edmonds is the fourth largest school district in the state with a pupil enrollment of 23,500. Special education programs serve approximately 1,500 students and include a separate facility for the severely handicapped. Several universities in the Seattle area provide trained personnel to the school district.
- Longview, Washington, is located on the Columbia River. The sound economic base of the city has made the Longview school system the second wealthiest in the state of Washington. The total enrollment is 8,052, with special education pupils making up 241 of that number.
- Yakima is located in southcentral Washington in the fertile Yakima Valley whose economy is based on agriculture. The West Valley School District is one of three in Yakima proper. The district is small and rural, with a school population of 3,315 students that includes 230 students served by special education.

Data Collection

During the 1978-79 school year, we collected data during two 2-4 day visits to each of our sites, one in the fall and one in the spring. Each visit was conducted by two members of our core staff. Site visitors spent most of their time conducting interviews and collecting forms and documents to supplement interview notes. (They also attended meetings and observed ongoing programs when these could be arranged.) Following each visit, the primary site visitor wrote a case study report. The rest of this section describes our data collection procedures more specifically.

Debriefing

Each cycle of data collection begins with a set of decisions about what topics to pursue and in what depth to pursue them. To ensure that the data collection results in information that is comparable across sites for the cross-site analyses, we developed what we call a "debriefing" format.* It serves both as a guide for the site visitor in collecting data and as the actual format for writing up field notes after a site visit is completed. The debriefing format focuses the site visitor's attention on a common set of topics yet, depending upon the particular circumstances of each site, also allows the site visitor the freedom and flexibility to decide how and to what extent those topics are pursued.

The debriefing format is derived from the current conceptual framework (see Chapter II) and reflects the emphasis of the particular site visit. For example, during the 1978-79 school year the fall site visits focused on school level personnel; much of the debriefing format was therefore devoted to events that occur at the school level, such as referrals and IEP meetings. In contrast, the spring site visits focused on events at the district or IU office, relations with groups outside the school (such as parent advocacy organizations), and interagency coordination.

Before each site visit, a new debriefing format is developed by the core analysis staff.** It lists the topics to be covered

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* To keep this report of tolerable length, we are not supplying examples of our materials in an appendix. We will be happy to supply them to interested colleagues upon request.

** Unlike what occurs in much case study research, the size of our staff permits some specialization of functions between site visitors (n=5) and those whose primary responsibilities are design and cross-site analysis (n=3).

during the site visit, is structured as an outline, and is written at a level sufficiently general to allow for differences among sites. For example,

> Describe the nature of the LEA's most satisfactory relationship with another public service agency. Include the reasons why it is "most satisfactory," whether there are formal as well as informal agreements, and whether there is state or higher level local support for the relationship.

The draft debriefing format is circulated among the site visitors to determine if all the topics are clear, whether they will be interpreted in the same way, and whether important ones have been omitted. At the same time, a draft of the criteria for respondent selection is circulated. Both of these drafts are then revised as necessary to reflect site visitors' reactions and concerns.

An expanded version of the debriefing format allows for one or more pages of writing space in response to each item. Upon returning from a site visit, it takes a site visitor from 1 to 3 weeks to prepare a complete debriefing. When complete, the debriefing is the recorded descriptive analysis/case study report of a given site for a given visit. All the debriefings for a given site are its case history.

Site Visitor Training

Training site visitors has two primary purposes. First, it ensures that they have a shared understanding, along with the analysis staff, of the conceptual framework, the debriefing format, and the manner in which various topics are to be pursued on the upcoming visit.* This aspect of training is one way we attempt to maximize reliability. The second purpose is to teach the site visitors specific skills to maximize the validity of the data they collect (primarily from interviews).

For the data to be comparable across sites and across site visitors, it is essential that the site visitors view the study's purposes and conceptual grounding in the same way. For this to happen, the site visitors must be immersed in the development of the concepts on which the study is based and the ways in which these abstractions are translated into data collection procedures and topics. Immersion cannot occur in a one-shot training session; therefore, the training for this purpose is ongoing, as

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* The site visitors' backgrounds are varied, each having begun this study with experience or training in field-based educational research, teaching, and/or special education.

exemplified by site visitor involvement in the final versions of the debriefing format and criteria for respondent selection. This aspect of training has both formal and informal components. The site visitors are involved in each phase of the study, from meetings to explain iterations in the conceptual framework to participation in all stages of data analysis. The fact that the same visitors remain with the study from year to year means that the impact of this immersion/training is cumulative.

Training for the purpose of imparting specific data collection skills, although grounded in the shared understanding described above, is more formal in its procedures. Validity of the data must be assured; to accomplish this goal, we rely on fairly traditional methods such as "cross- examination" and triangulation. Through simulation exercises with volunteer parents and school personnel from districts in the vicinity of SRI, for example, site visitors learn to probe respondents, asking the same question in different ways, and pursuing topics both directly and indirectly to test relevance and consistency. They are also trained to draw inferences systematically on the basis of multiple sources of data. This so-called "triangulating" among respondents and other evidence sources is an important skill in obtaining an accurate rendition of a particular event--where accuracy is defined as "the common understanding of an event that avoids the biases of a single respondent." Finally, the site visitor training emphasizes that, when appropriate, they verify their perceptions immediately by paraphrasing a respondent's answer and requesting the respondent to acknowledge mutual understanding. Thus, site visitors are trained to be concerned with establishing validity through "structural corroboration" (Guba, 1978), ". . . a process of gathering data or information and using it to establish links that eventually create a whole that is supported by the bits of evidence that constitute the whole. Evidence is structurally corroborative when pieces of evidence validate each other" (Eisner, 1979, p. 215).

In addition to these two purposes, formal training sessions provide an opportunity for the staff to read and discuss relevant literature and to strengthen their knowledge of the law and regulations. These sessions occur in the last few days before the wave of site visits is scheduled to begin. Meanwhile, to prepare for their upcoming trips, the site visitors have been engaged in other activities besides this training.

Selecting Respondents

It remains for the site visitor, in preparation for each site visit, to perform the complex task of selecting the actual respondents and setting up the interview schedule with his or her site liaison. As described earlier, the topics to be covered during a given site visit are specified in the debriefing format. Also derived from the conceptual framework are criteria for selecting respondents to be interviewed on the specified topics.

These criteria may be in the nature of a role description (e.g., "a director of special education"), or they may specify something about the kind of information needed (e.g., "a parent who can present a balanced point of view"). The site visitor's decisions are based on his or her unique combination of knowledge of the topics to be pursued and the particulars of the site known from previous visits. Within the common guidelines, the site visitor determines which types of respondents are needed and makes specific choices based on the quality of information received from particular individuals in the past and on accessibility and other logistical concerns.

Where choices of respondents require sampling decisions to be made (e.g., among districts in an intermediate unit or among schools in a district), our approach is modeled after the logic and spirit of our strategy for selecting the original sample of sites. In making these decisions as well as less subtle ones, the ability of the site visitor to contact knowledgeable individuals on site by telephone in advance of the visit is crucial to making the best choices. Thus, an important aspect of the site visitor's role is to maintain good relationships with key contacts in the LEA. To underscore how important we view these relationships, we have established a policy of sending a project newsletter to our sites in advance of each visit.

After an interview schedule has been developed, the site visitor continues preparation for the visit by specifically tailoring the debriefing format to the particulars of the given site. This preparation involves reviewing past debriefings to determine what further information will now be sought from particular respondents. The results of these various preparatory activities is an open-ended interview guideline, annotated to prompt the site visitor not to overlook certain questions.

"Rotating" Site Visitor

Each visit itself is conducted by a two-person team. The (permanent) site visitor is accompanied by a member of the analysis staff (or perhaps another regular site visitor) in the role of "rotating" site visitor. The advantages of having the same person return for every visit are obvious: familiarity with people on site greatly increases trust and gives the site visitor greater access to more accurate and detailed information. The advantages of our rotating site visitor strategy merit some explanation.

From the case study point of view, the rotating site visitor contributes to improving both reliability and validity. As a classic reliability check, the rotating site visitor provides partially independent confirmation of the permanent site visitor's perceptions and interpretations. In addition, whatever biases the permanent site visitor may bring as a result of his or

her continuing relationship with people on site are at least different from those of the rotating site visitor. Moreover, the rotating site visitor has knowledge of other sites unfamiliar to the permanent site visitor and, by providing a new perspective during the visit, may be able to prompt the permanent site visitor to generate fresh hypotheses. This directly contributes to the validity of our findings. Finally, a two-person team can divide the tasks of asking questions and taking notes between themselves in order to do both as well as possible. This produces comprehensive field notes with many direct quotations.

From the cross-site analysis point of view, it is crucial that members of the analysis staff be able to visit as many different sites as possible. A rotating site visitor can interpret events at one site as instances of more general patterns. Conversely, what appears to be one kind of problem when interpreted in the context of one site may appear entirely different when contrasted with another site. (For example, the difference that an excellent administrator can make may be overlooked by someone who has never seen one in operation.) This subject is discussed at greater length in the following section.

Apart from what we have described to this point, what actually happens on site visits varies as much as the sites themselves. Last year, the visits were usually 2 or 3 days in duration, but ranged from 1 to 4, depending on the site visitors' judgments of the time necessary to do their jobs adequately. In the fall, when we focused on school level personnel, we interviewed as few as 10 and as many as 22 repondents per visit. Spring visits typically involved fewer respondents. Most visits begin with a courtesy call to the administrator who is the key site contact. In spite of best efforts to plan a schedule of interviews, it is not unusual for site visitors to have to do a lot of reshuffling once they arrive.

The one commonality worth mentioning is a conscious effort to schedule interviews in a "bottom-up" sequence. For example, where feasible, site visitors interview teachers before interviewing principals, principals before district administrators, and district administrators before school superintendents. This sequence is most consistent with the explanatory model in our conceptual framework. It allows the site visitor to construct or follow a trail of explanations to the limits of the scope of our study. It also has the advantage of giving the site visitor some substance with which to motivate an interview with a "higher up" in the system.

Data Analysis

This section is divided into two parts. The first part describes procedures and methodological concerns in the preparation of individual case study reports ("debriefings"). The

second part describes procedures and considerations in performing cross-site analyses on our data.

Individual Case Studies

With few exceptions, our data are qualitative. Before being analyzed by the permanent site visitor, the data consist primarily of interview notes. Whatever forms and documents that have been collected on site are usually mere supplements to these notes, in the sense that their availability makes it possible to focus interview time on questions that cannot be answered by reference to the documents.

The format for data reduction is the debriefing format, which we described above (see "Debriefing"). The site visitor responds to each item in this format with prose that may range from a sentence or two to several typed pages. Responses vary in depth and subtlety, and particularly in the thoroughness with which each topic is treated at different sites. Each response describes some event or activity and, according to the approach dictated by our conceptual framework, embeds these descriptions in their local context. To illustrate the flavor of these responses, here is a sample from an actual report:

> Private schools became an issue when district officials tried to bring back into district-sponsored programs all children (mostly LH [learning handicapped]) that they had formerly placed in private schools. The district felt that . . . they now had the programs to serve these children. According to the special ed personnel, the transition was being accepted by parents during conferences at which the district assured parents that their child could go back to the private school if things didn't work out in the public program. Then a representative from the private school association came on the scene and, as a result of his persuasion, many parents decided they would oppose the change back to public school placements through fair hearings (the private schools provided the resources).

This particular example also illustrates the general point that explanations are often conveyed most effectively by stories or quotations.

The essence of these case study reports is their context-dependency. The original version of the first debriefing format began with a section called "background," which was intended to be a cursory, mainly historical description of the site's characteristics. As the structure of the debriefing formats evolved in use, this section became a "preamble." Simply, this evolution reflects the degree to which site visitors feel the necessity of

providing a less cursory context for their responses to individual items. The best debriefings are filled with cross-references among items, because the format has forced the writer to break a complexly interconnected story into discrete units.

To transform raw interview notes into discrete responses to specific items, the site visitor must reorganize the notes from a "by-respondent" structure to a "by-topic" structure. In doing so, the principal mental activity of the site visitor is selection. Each visit confronts the site visitor with a potentially bewildering array of possibly significant facts and explanations. The process of selection begins with the planning for the visit, continues throughout the interviews, and characterizes every decision that goes into the case study report. Between the guidelines of the conceptual framework and the techniques of establishing structural corroboration, the site visitor must eliminate the insignificant and fix on what emerges as salient and important. This process is imperfect; it is too subjective for many researchers' taste; it relies on intuition and judgment. Nevertheless, given the experience of our staff and appropriate training, the process works. It produces fascinating descriptions and explanations of what is going on at individual sites.

The principal methodological issue in these case studies concerns the degree of certainty one can have about a characterization based on a limited number of respondents. This concern is one of the most significant trade-offs we have to make between depth, which implies spending more time at each site, and breadth, which implies a greater number of sites than can be investigated optimally. Of necessity, we adopted a policy of pragmatism about depth of evidence. When two sources contradict each other and no other relevant evidence exists, we always say so. Otherwise, our guidelines for writing debriefings advise site visitors to use language precisely to convey the basis for any uncertainty. This policy might have serious drawbacks if our approach to cross-site analysis were more conventional. Given the approach we adopted, however, the actual degree of uncertainty in individual case studies is more than tolerable.

Cross-Site Analysis

In performing cross-site analysis, we had several objectives that could only be met by data from a variety of sites with diverse characteristics. One important objective was to provide summary descriptions of those aspects of local implementation that are reasonably uniform across sites. Examples of such findings are that all LEAs have IEP procedures in place and that they tend to make placement decisions on the basis of openings in available programs.

Another important objective was to describe differences in implementation from site to site and to attempt to explain these differences in implementation by identifying other differences

among sites with which they are associated. One example of this kind of finding is that LEAs in states whose regulations conflict with federal regulations are having a more difficult time with implementation than LEAs in states whose regulations do not conflict. This example is one that we anticipated in our site selection strategy. Another example is that LEAs with "boundary crossing" school-based personnel, such as resource teachers, are having more success with "mainstreaming" than LEAs without such personnel. This example emerged from our analyses.

An additional objective of the cross-site analyses was to test the generality of explanations for events at individual sites that appeared to provide support for our conceptual framework. For example, we were told at one site that informal meetings for the purpose of establishing priorities among referrals were necessary because there was no other way to keep from overloading the system's capacity to evaluate children within legal timelines. This explanation, of course, fit our conceptual framework perfectly. The relevant questions for cross-site analysis were the overall prevalence of such "prescreening" meetings and the extent to which their presence or absence is related to a perceived limit of the system to handle unprioritized referrals.

Thus, the purpose of cross-site analyses was to make inferences across sites about LEAs in general. Analyses were performed to test the extent to which statements of findings could be supported across all our sites, or could be associated with certain characteristics explaining differences among LEAs.

As a result of our approach to the individual case studies, the debriefings contained descriptions and explanations that relied heavily on details of each site's local context. For some of the goals of our cross-site analyses, retrieving the relevant information directly from the debriefings (e.g., whether notification and consent procedures are in place) was quite straightforward. For other purposes (e.g., testing inferences about connections between timelines and prescreening mechanisms), it was impossible. In many cases, directly retrieving relevant information from the debriefings was logically possible but logistically difficult and inefficient. Accordingly, we decided we could accomplish all our goals most efficiently with an approach that made more direct use of the field notes and knowledge of the site visitors and less direct use of the debriefings themselves.*

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* We also decided to capitalize on our iterative approach by modifying our individual site case report procedures for next year by shaping them more specifically to feed into our anticipated cross-site analyses.

The approach to cross-site analysis we adopted recapitulates the logic of an individual case study. Each of the 22 individual sites in our study is treated as a "respondent," in the person of the site visitor permanently assigned to that site. The topics of interest are constrained by the six BEH evaluation questions, our concern for policy relevance, and our conceptual framework. Procedures are designed to ensure that a wide variety of hypotheses are generated and that the most reasonable and interesting of them are tested against the data. Finally, the findings are selected and organized with the goal of highlighting and exemplifying important themes and patterns. The remainder of this section describes the procedures in more detail.

The first step in our cross-site analysis was to generate a file of potential findings. Each member of the staff was asked to generate an unstructured list of statements that he or she "would like to see in the final report." These statements were written on file cards. The heuristic suggested to site visitors, who were in the process of completing their debriefings, was to think of interesting findings at their sites and then write them as if they were true at more than one site. Members of the analysis staff who had been to several sites as rotating site visitors tended to write statements on a more general or abstract plane than permanent site visitors. Statements were made in varying degrees of detail and abstraction by everyone who participated in this activity. Here are two examples drawn arbitrarily from the original file:

> Schools feel pretty confident that they have taken specific and adequate steps to inform parents of their rights. They typically say they provide something in writing and present the information verbally.
>
> Although teachers spend a lot of time doing IEPs, they don't find them all that useful on a daily basis.

We were aware that our biases were not independent, and therefore built into the procedure an exhaustiveness heuristic. We compiled a list of sources for statements in addition to ourselves (e.g., BEH documents, periodic newsletters, notes from staff meetings over the previous year), and then systematically went through these sources and wrote statements from them. By the time our file had grown to over 1500 cards, we were convinced that we were not omitting anything important.

The next steps began the first wave of selecting and organizing the potential findings. A major effort was devoted to sorting the cards according to categories developed in a tentative final report outline. After the cards had been through this gross sort, a member of the analysis team took each category and broke it down into subtopics, each of which could be discussed in a paragraph or two. At this stage, duplicates were removed and

very similar statements were clipped together. This sort reduced the total number of cards to fewer than 1,000.

At this point, members of the core analysis staff went through the file and flagged those statements that were relatively general and abstract (i.e., stated in a manner more like cross-site findings than like individual-site findings). The cards that represented specific instances of more general statements were removed and filed for later reference. We made certain that we included all the points we wanted to make (if they were supported by data). From that time on, we continued to work with only this subset (about 250) of the cards.

Our next sorting was done according to the type of statement on the card. A distinction was made among assumptions, findings, and conclusions, though some overlap was tolerated. This sort separated the assumptions or conclusions from the findings. From within the findings, the more specific statements were grouped under the related, but more inclusive, general statements. This sort narrowed our file to about 30 categories of cards, each category corresponding in one way or another to a set of findings (e.g., IEP meetings, "mainstreaming," due process hearings).

The next step was to format these 30 sets of cards into an outline of the findings in a final report. The analysis staff worked "from both ends" to converge on this format. At one end we worked with the set of cards in a spatial array, which we moved around to represent relative distances, conceptually, among topics. At the other end, we took into account our sense of the information needs of the various audiences for the final report. The result of this exercise was a new emergent outline that became, in fact, the working outline for the findings chapters of this report.

To summarize, at this point in our cross-site analysis we had produced a set of a few hundred statements that were organized according to a possible final report outline. If all of these statements were unequivocally true, the findings chapters essentially would have been written. Of course, the veracity and generality of these statements remained to be tested.

The next step in our cross-site analysis was to produce a "draft list of propositions for site visitor review." Unlike the statements that served as input to this step, the propositions were carefully worded to constitute an integrated whole. Under each of 21 headings (e.g., "eligibility and identification," "in-service training"), propositions were listed in sequences intended to convey an organized presentation of a finding. Within each sequence, an attempt was made to break down the structure of an argument into component statements. Following are two examples of simple propositions:

3.c. Regular classroom teachers express a need or desire for more useful training in how to make referrals.

16.a. The greatest impact of the law at the school level has been to add new duties to old ones.

These propositions were written for the specific purpose of systematically eliciting carefully structured responses from the site visitors. Accompanying the 33-page list of propositions were two pages of instructions and two different response formats. Site visitors responded for each of their sites independently. For each proposition, the basic response format asked for any "qualifications, examples, and quotations" that the site visitor wanted to offer.* In practice, site visitors were encouraged to use the "comments" column to indicate explicitly the sense in which a given proposition did or did not apply to each site.

Several points about this exercise bear emphasis. First, there was some presumption that the propositions were generally true but needed to be qualified appropriately. Everyone understood that the purpose of the exercise was to produce a report of findings in which words would be used as precisely as possible to convey the conditions under which the propositions were true and the conditions under which they were not true. As a result, site visitors were encouraged to disagree with the implied generality of a proposition by explaining precisely how a given site was an exception. In addition, they were free to use the "don't know" response category and often did so, particularly when they were uncertain as to whether the evidence from a site was solid. This response option protected us against making inferences across sites that relied on shaky data from an individual site. Moreover, many of the propositions made reference to conditions that did not hold at all sites (e.g., due process hearings). In these cases, the appropriate response was "doesn't apply," which was often accompanied by a description of the reason. The same response format was used to elicit relevant examples and quotations, which were typically drawn directly from the debriefings. Thus, an important function served by the exercise was to make the writing of the final report a truly collaborative enterprise. Not only did site visitors' responses determine which propositions remained unchanged, they also provided cases in point, exceptions, and the specifics of qualifications.

After site visitor responses had been given to all the propositions, the analysis staff was in a position analogous to that of the site visitor writing a debriefing. For each of 21 topics, the "data collection" stage of the cross-site analysis procedure had produced 22 sets of responses to be integrated.

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* The other response format, rarely used, invited site visitors to restate the proposition however they wished.

Qualifications to the propositions had come in many guises. At this point, the analysis consisted of deep immersion in the data on a topic-by-topic basis. Our actual procedure involved assigning a member of the analysis staff to study site visitor responses to a particular topic, and then to draft a summary of the qualifications to the propositions necessitated by the site visitor responses. Working with these notes, and sets of examples and quotations from the debriefings, we were able to write each section of the findings chapters.

When all site visitor responses were yes or no, or there were one or two clear exceptions, it was relatively easy to generate descriptive text from the propositions. When responses were divided, we referred to our "site factor matrix" to see if the division could be explained by characteristics of sites similar to our original site selection factors (see Tables 1 and 2 and accompanying text, above). We also looked for new explanatory factors that emerged from the analysis (e.g., the previously mentioned presence or absence of resource teacher types). When we failed to make sense out of the pattern of responses, we rejected the proposition as useless or decided to pursue the issue next year rather than attempt to report on it prematurely.

By adopting an inductive approach to cross-site analysis, we freed ourselves from the necessity to use every site to test every proposition. Instead, we limited our search for generalizable explanations to the subset of sites that provided both relevant and reliable data on a particular matter. Thus, different sites were used for different purposes, as appropriate. This approach enabled us to avoid the loss of interesting and important findings that appeared in only a few sites or in different forms in different sites.

The results of our cross-site analyses are presented in the four following chapters.

PART TWO

FINDINGS

The following four chapters constitute the first-year findings of our study. They describe the existing systems of special education in the 22 LEAs and how they adapted to PL 94-142 mandates as of the 1978-79 school year.

Specifically, Chapters IV and V discuss the way local school systems operate in locating and identifying handicapped children, assessing their special education needs, and determining what placement and services they receive. The focus is on the aspects of these processes relevant to achieving the goals of the law. Chapters VI and VII describe the impact of PL 94-142 requirements at the service delivery level and at the administrative level of the local school systems.

Taken together, these findings provide our frame of reference for tracing progress in subsequent years of this study. In addition, our observations on these 22 cases allow us to draw some general conclusions about progress made since the law was passed in 1975. These are found in Part Three of this report.

IV DETERMINING WHO GETS INTO SPECIAL EDUCATION

For a child to receive special educational services, certain steps must occur--from noticing and identifying a child in need to formally accepting the child into the special educational system. Passage of PL 94-142 was based in part on the Congressional premise that over half the handicapped children in the United States were not receiving appropriate services because they were not being identified. Many were assumed to be outside the public school system; others were thought to be in public schools but with undetected or ignored handicaps. The law requires that education agencies identify, locate, and evaluate all children within their jurisdiction who are handicapped and in need of special education. Moreover, the law requires that the procedures used to evaluate children's needs rely on more than a single measure of need and be designed to prevent erroneous classification.

In this chapter we describe how children enter the system of special education--how they are located, identified, referred, and evaluated and how these procedures determine who eventually receives services. We begin with a discussion of Child Find* and show that these special projects organized to seek out unserved children are not the school system's primary means of identifying children. Because most handicapped children in the schools enter the special education system through teacher referrals, we discuss in some detail how referrals occur both formally and informally. Throughout the chapter we note the pervasive influence of two factors: the availability of services and the personal discretion of staff members. We end with a discussion of evaluation procedures and describe them in terms of the legislative requirements for fairness and appropriateness.

Finding Children Through Systematic Searches

Most of the public school systems in our study conduct Child Find projects or participate in those conducted by their state or intermediate education agencies. Child Find projects tend primarily to be information campaigns through which the general public is made aware that out-of-school handicapped children have

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* Under PL 93-380, Child Find activities were conducted as projects and funded by grants. In the 1978-79 school year, LEA staff equated their search activities with these Child Find projects.

a right to receive services and should be brought to the attention of the schools. School staff report that, with the exception of preschoolers, very few children are identified in this way, presumably because very few handicapped children are out of school and unserved.* In most sites Child Find projects are continuing under the new law. In a few sites the projects are being phased out and we have yet to follow up on what replaces them.**

We found, across sites, that systematic search efforts are rarely conducted except when a new program option becomes available, for example, when a new itinerant LD specialist or speech therapist begins "building a case load." For LEAs to do otherwise places them in the untenable position of having located and identified children for whom services cannot be provided. This point was clearly illustrated by what occurred in one site during the 1977-78 school year. The intermediate educational agency identified high school dropouts as being a first priority (unserved) population. Using PL 94-142 funds, an agency staff member designed a project that would locate and evaluate high school dropouts and offer them access to special educational services if they were eligible and desired such assistance. Although the intermediate agency was funding and directing the search, the local high school districts actually controlled the special education services programming in their jurisdictions. Thus, when the LEA project director presented the lists of target children to the local school administrators, she encountered resistance. She quickly realized that the local school districts did not really want to develop new or expanded programs to encourage these students to return to their high schools. As a result, this particular Child Find project raised the high school dropouts' awareness of the potential availability of services but was unable to follow through by providing these services because the school districts did not commit funds and staff. Such events do not happen regularly in LEAs because staffs generally do not initiate search efforts unless the school systems have established new programs. This illustrative exception, however,

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* In making this presumption, school staff generally ignore children who are 18-21 years of age, perhaps because school districts do not have the obligation under state law to serve them. BEH reports that there is a sizable number of handicapped children over 17 who are out of school and unserved.

** For seeking handicapped children already in school, we encountered screening activities in some sites at the early elementary levels. We do not yet understand how these function in identifying children for special education, but we noticed that these activities were not connected with the out-of-school Child Find activities.

serves to emphasize that, not only does program availability influence who is identified for special education, but it is understandable that it does so, given schools' limited resources.

Finding Children Through Referral

Most children enter the system of special education through referrals, and most referrals of mildly handicapped children come from the regular classroom teacher. Regardless of who makes the initial referral, there are a number of factors influencing whether or not a particular child is referred. Across all sites among those who made referrals we saw certain shared contextual influences: state eligibility criteria, program availability, and timelines for processing and serving identified children. Moreover, in interpreting the eligibility guidelines and availability of services, each teacher or other person making referrals is exercising a certain amount of personal discretion, which is based on individual bias and preference.

Eligibility Criteria

Eligibility for special education programs is generally defined by state law and SEA regulations. Depending on the handicapping category, state criteria include test scores and other assessments such as developmental, educational, and medical histories, results of observing the child in the classroom and of vision and hearing screening, and the judgments of psychologists, counselors, or other educational and medical professionals.

Usually we think of eligibility criteria being applied after a child has been evaluated. That is, assessment results are compared with the criteria, and staff determine whether they match and, thus, whether a child is eligible to receive services in a state-reimbursed program. However, the state's criteria for program eligibility can affect staff actions considerably before the evaluation stage, and even before the stage at which a child is referred. Our interviews with psychologists, teachers, and other personnel in all sites make clear that their awareness of these guidelines colors the way they view children as "potential special education" children. For example, in a state that has a strict categorical system and rigid state eligibility requirements, we found that even the forms for referral are based on special education program eligibility criteria. That is, a child cannot be formally referred for possible "special education"; he or she must be referred for a specific program such as ED (emotionally disturbed), LD, or EMR. This is an extreme example of a general finding that a child who would not fit state eligibility requirements is not likely to be referred.

Eligibility criteria vary considerably from one state to another, both in terms of the ambiguity of the definitions for particular handicapping categories (which permits a certain

amount of interpretive discretion) and in the comprehensiveness of the criteria (i.e., the size of the "cracks" between categories). This variability means that whether or not a child is identified as in need of special education can differ to some extent depending on the state of residence.

States in our study vary significantly. One has very clear-cut eligibility criteria that allow little discretion and that are so narrowly defined there are large "cracks" between categories; another one has broad, ambiguous eligibility criteria. A child in the former state can fall into the "cracks" between EMR and LD if he has too high an IQ to be classified as EMR, but does not demonstrate a disorder in a basic psychological process that is necessary to be classified as LD. This same child, however, is more likely to be identified as handicapped and provided services in the latter state, where EMR and LD children are served in a learning handicapped category in which they have only to demonstrate atypical behavioral or learning patterns preventing growth.

In addition to this state-to-state variation, there is considerable within-state variation (both across LEAs and even across schools within LEAs) in who is served, especially in states with eligibility criteria allowing considerable discretion. For example, in one such state a mother whose son had been unsuccessfully referred by a number of teachers told us:

> The special education teacher felt that on the basis of his scores the child would qualify for the aphasic program and she was sure he could benefit from such a program. But the chairman of the placement committee did not feel the child's problem was as "critical" as other children's in the program.

In this case, the ambiguity of state eligibility criteria, the availability of placements in the aphasic program, and the discretion of the committee chairman interacted to keep this child from receiving special education.

Eligibility criteria in some states are in a condition of flux as they move toward conformance with PL 94-142. For example, one state in our study recently changed its eligibility criteria in an attempt to meet its own special education philosophy and the intent of the federal law. The guidelines were designed to permit staff to pay attention to individual needs and to discourage the use of handicapping labels in dealing with children. Instead of qualifying children because of their categorical handicapping conditions, the criteria are worded so that children are qualified in terms of their educational needs to enter programs with similar services (e.g., programs for the communicatively handicapped and programs for the severely handicapped). This state's system is responsive to the intent of the federal law to prevent stigmatizing children and to assure that the identification and classification process is used solely for

designing an individually tailored educational program for each handicapped child. However, it is not consistent with another part of PL 94-142 requiring children to be identified in one of the federally defined handicap categories. It also allows for interpretation and, thus, inconsistency between LEAs in who is identified as eligible for special education services.

Program Availability and Timelines

In accord with the federal mandate that a child be placed in a program within a reasonable period of time after initial identification, many state regulations specify the maximum number of days that can elapse between such events as evaluation and placement or referral and the completion of evaluation. Timelines are a response to the problem of backlogs: children identified as possibly in need of special education who are waiting to receive an evaluation or who are waiting long periods until an appropriate program becomes available. In most of the LEAs in our study there are backlogs. In the majority of the sites backlogs of children waiting to be evaluated are more prevalent than backlogs of children waiting to be placed.

The basic reason for these backlogs is a shortage of available services and placements. However, other factors determine where in the identification-to-placement process the backlogs are found. These include the number of psychologists or other personnel qualified to perform evaluations, as well as the presence or absence of timeline requirements for various phases of the process. Relieving a shortage of evaluation personnel (found at many sites) or imposing strict timelines cannot, by themselves, relieve the problem of backlogs. Unless services can be expanded (or classes and caseloads overloaded), the hiring of evaluation personnel or the imposition of timelines will just shift the location of the backlogs to other parts of the system (where the existence of children who are waiting will not violate timelines).

To comply with timelines, several LEAs do not recognize a referral as official until it is clear that the referred child can make it through the entire process within the time limits. One LEA makes a clear distinction between official and not-yet-official referrals. When a referral is made official, described to us as "pushing the button," parents are notified and fully apprised of their rights under PL 94-142. The district then complies with the state's timelines for assessment and placement activities. However, the staff does not "push the button" until it is certain the psychologist can, in fact, test the child within the 35-day allotted timeline. A teacher may call attention to a child's problem at any time, but only the principal has the authority to officially refer the child (push the button) for special education placement. Thus, it could take at least a month from the time the teacher approaches the principal about the problem to the time the psychologist can assure that testing will be completed as required.

The ease with which state timelines can be met and the extent to which the system is backed up can influence whether or not a particular child is referred. For example, the special education director in one city school district felt there had been hesitation by teachers to refer additional children because of the lag in evaluation and placement. A third grade teacher in this district explained: "There is supposed to be a 10-day referral-to-evaluation timeline, but in fact it has taken as much as a year for a student to be assigned to an evaluation schedule. It makes you think twice about referral."

Mechanisms for Referral

We have shown how eligibility criteria, program availability, and timelines affect whether or not a child is referred for special education services. These factors act to set some limit on how many and what types of students are placed in special education. In each LEA these factors affect the particular person or group responsible for deciding whether or not to refer individual children. These decisionmakers also exercise considerable personal discretion, consciously or otherwise, in deciding whether or not to formally refer a particular child.

Child referral mechanisms in the 22 sites lie on a continuum regarding who exercises discretion and whether or not informal evaluation takes place before referral.

With regard to who exercises discretion, sites vary in terms of the number and type of gatekeepers, and whether they act singly or in a group. At one extreme is the classroom teacher who, alone, serves as the primary "sieve" or gatekeeper. In these cases the teacher's initial identification of a problem is called a referral, and the principal or counselor may then act as a second gatekeeper who sets the priorities for which children's referrals are sent forward for evaluation. At the other extreme is referral by group, where the classroom teacher is only one of several persons in the decisionmaking process. The teacher sets the process in motion by calling attention to the child without making a formal referral. In these sites, several people then simultaneously function as gatekeepers.

Referral mechanisms also differ as to whether or not an informal evaluation is performed before the formal referral. Prereferral screening is often the basis on which a formal referral is decided. For example, following state regulations one site in our study undertakes three steps before a formal referral is made: observations of specific behaviors by at least two individuals, documentation of intervention strategies tried with the child in his or her regular classroom, and conferences among staff and between staff and parents. In an informal meeting, which can include the regular teacher, special education teachers, and the principal or counselor, data from the informal

"evaluation" are considered and the decision is made whether to refer the child formally and hence conduct a complete evaluation.

The trend seems to be away from systems in which a teacher and a principal (or counselor) act individually to determine who is referred toward systems of group decisionmaking and prereferral screening. This trend is in keeping with the law's presumption that by relying on both multidisciplinary involvement and needs assessment by specialists, decisions and placements for handicapped children will be more appropriate.

Although discretion is involved whether one individual or many individuals are making the referral decision, the discretion exercised by an individual gatekeeper, especially one untrained in special education, may be more arbitrary than that exercised by a group. For example, teachers are influenced by parental pressures to provide more for a child or to refrain from labeling a child as handicapped, by pressures from principals to refer or to retain children, by a prevailing attitude about whether teachers should be able to handle any child assigned to their classrooms, and by their own interpretations of eligibility requirements. Some teachers are likely to refer only those children who present serious discipline problems in their classrooms. Others make judgments that certain mild handicaps should be served by compensatory education programs such as the Elementary and Secondary Education Act Title I and that special education should be reserved for those with severe problems. We have already pointed out that teachers' perceptions of program availability, both in terms of type and space, and of how extensively the system is backlogged also affect their decisions to refer. Although the majority of referrals for special education originate with regular classroom teachers, training for this function either does not exist in the sites studied or is essentially procedural (as in the site where teachers learn to apply the state criteria to fill in standard district referral forms).

Although backlogs, parents, and personal discretion also influence a group's referral decisionmaking, their decisions are likely to be less idiosyncratic and based on more appropriate information because specialists are involved and because staff knowledge about the local education system corrects for some personal biases.

However, the trend toward group decisionmaking and prereferral screening also involves trade-offs. While group decisionmaking processes might better fulfill the law's goals of appropriateness, they may also extend the time between the initial identification of a child's needs and his placement in an appropriate program. In addition a group process takes up more of the specialists' and teachers' time, which would otherwise be spent in direct services.

Prereferral screening is justified on the grounds that it serves to reduce the possibility of erroneous classification at

the point of referral. By considering whether minor educational interventions or supplements to the regular classroom are sufficient to help a child, it can also serve to implement the LRE goal of removing children from the regular class only when they cannot be maintained there with supportive services. On the other hand, prereferral screening can also serve primarily to keep the flow of students into the special education system at manageable levels; that is, it can be used to limit the number of children to those who can be accommodated with existing programs; this ensures that a child who enters the process will get all the way through it.

Who Gets Identified

The referral process is one place in the system that acts to limit the flow of students to those whom the school system can handle. In about half of the sites in our study there was a clear trend toward an increase in referrals. Increases were attributed to teachers hearing about special education resources or that programs and staff had become available through federal and state sources. It was often the case that, with influx of PL 94-142 funds, there were at least some expansions in services (see Chapter VII). As one psychologist put it: "Apparently teachers are becoming more aware of resources. Now a teacher feels if she can't reach a child she'll get him tested."

Because districts differ on state timelines, eligibility guidelines, and local administrative mechanisms, the children who are identified differ from district to district. Nevertheless, across districts staff reported certain groups were much less likely to be identified, either because few programs exist to serve them, because eligibility criteria exclude them, or because they do not command staff attention:

- Learning disabled students at the high school level.*
- Children with emotional problems but with nondisruptive behaviors. This seems especially the case at intermediate and secondary levels in some LEAs.
- Children who are quiet and well-behaved, who do not bring their problems to the school's attention.
- Children whose parents do not influence the staff to act in their behalf.
- Children who fall between the eligibility criteria for LD and EMR programs.

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* If they remain in school, these students are likely to be found in the lowest level classes at the high school or in Title I programs.

A psychologist described a recent case in which a child was 2 to 3 years behind his peers in both academic and perceptual skills. Intellectually, the boy had clear deficiencies; however, they were not severe enough to permit an EMR referral under state guidelines. Neither the LD referral (which in that state requires an average-range IQ) nor the EMR referral were thought to be appropriate for the boy and he could not be referred for special help. The psychologist, reflecting both on the state of the art in diagnosis and on his state's eligibility criteria, said, "It's really sad, but nothing accommodates him."

Generally, across sites, we perceive a shift in who is being served in the mildly handicapped population. The number of children found eligible for LD programs is increasing relative to the number of EMR children. What is relevant here is that there is less stigma attached to the LD classification than to mental retardation, and some parents express a preference for the former classification. Compared to EMR services, LD services are less often provided in the self-contained classrooms traditionally associated with special education, and in a few sites LD classes are not considered within the boundaries of special education. In some places more LD specialists are becoming available and consequently more children in need of LD services are identified. One resource-rich, progressive site, which experienced this trend early on and which believes children have been inappropriately referred to LD programs, is now attempting to put rational controls on the LD population increase. (See the story on the following insert.)

Evaluation and Reevaluation

PL 94-142 sets forth several requirements for nondiscriminatory evaluation to prevent erroneous classification. First, the law requires a variety of validated measures in a variety of areas (including those tailored to assess specific areas of educational need as well as those providing a single general intelligence quotient) so that no single test score or procedure is used as the sole criterion for placement into special education. Second, decisions must be made by more than one staff member and the staff conducting the assessments must be appropriately qualified. Third, PL 94-142 requires that every child receiving special education and related services be reevaluated (using procedures meeting the same requirements) at least every 3 years. Finally, all evaluation is to be tailored to the individual child, i.e., use of the child's native language, assessment in all areas of suspected disability, and adaptation of evaluation materials so that the results accurately reflect the factors to be measured.

In the past, evaluation in special education was conceived fairly narrowly. For the majority of mildly handicapped school age children, either a psychologist evaluated a child using a general intelligence test and based the placement decision on the

results, or a speech therapist screened children and added them to his or her case load. In more recent years, however, there have been trends consistent with the major requirements of PL 94-142: (1) use of a variety of assessments, (2) involvement of a variety of people, and (3) use of an assessment battery tailored for the individual's skills and deficiencies. We see manifestations of this broadened approach to evaluating children for special education in nearly every LEA. Because of problems in the state of the art, the third requirement is extremely difficult for school systems to achieve.

LEAs use a variety of measures in addition to the standard intelligence measures. The trend to at least make educational assessments in addition to the standard psychological evaluations is evident in all study sites. This means that an education specialist assesses the child's achievement test scores and the child's learning pattern in reading and mathematics. Practices range from this type of educational and psychological assessment to a more comprehensive case study evaluation which could include:

- An interview with the child.
- Consultation with the child's parents.
- A social-development history.
- Medical history and assessment of current health status.
- Vision screening.
- Hearing screening.
- Review of academic history and current educational functioning.
- Educational evaluation of learning processes and level of educational achievement.
- Assessment of the child's learning environment.
- Psychological evaluation.
- Medical examination.
- Speech and language evaluation.

In one district, at least, there is some confusion associated with just how comprehensive the evaluation should be. This district is in a state that has recently placed special emphasis on comprehensive evaluations but that has also warned the district to watch the costs of these evaluations. Staff in this district report that SEA compliance monitors recently accused them of overdoing the multiple testing and multidisciplinary evaluations and suggested that local staff did it to protect themselves from criticism. The monitors reminded them how much such comprehensive evaluations cost the state. The director of special education told us that limiting tests to "only the pertinent ones" would mean he would be predetermining

DO ALL STUDENTS WITH LEARNING PROBLEMS NEED SPECIAL EDUCATION?

In a wealthy suburb of the city,the Willow School District* office was being deluged with teachers' special education referrals. Individual testing for each student was proving to be both time consuming and expensive and Mrs. Anderson, the district special education coordinator, felt the referrals were too often inappropriate. She had to admit that the students being referred were experiencing difficulties in school; however, when evaluated, a significant portion were not demonstrating the particular learning and behavioral patterns warranting a learning disability placement. There was a local concern that LD was becoming a "dumping ground" for all underachieving children. There was also a state-of-the-art problem: how could even the best assessment teams know which children have a specific learning disability and which can benefit from the special education programs offered?

Most of the students come from homes where parents are professionals or business executives and expect high academic achievement from their children. Students and teachers alike feel this parental pressure. LD referrals were frequently made when student achievement was simply not up to parental expectations. The problem of excessive referrals was compounded by the fact that the district schools, unlike low income areas receiving federal Title I support, did not have nonspecial education remedial programs--thus special help meant special education placement.

Faced with this problem, Mrs. Anderson came up with an action plan. The first step was to further refine the definition of the learning disabled population. She used information gathered by a state-initiated task force to accomplish this. The resulting definition incorporated all aspects of the federal definition of specific learning disabilities as well as expanding and clarifying certain points. For example, it defined LD as a dysfunction in one or more areas of information processing resulting in a discrepancy between an individual's expected and actual achievement in such academic subjects as reading, mathematics, composition, spelling, oral recitation and/or nonacademic areas such as physical education, space and time judgments, listening, and personal relationships. Although the new definition did not supply specific test measures to be used to determine these dysfunctions and discrepancies, it did reduce the arena where personal discretion of district assessment teams could be used, and it served as a starting place for getting districtwide agreement on what constitutes LD.

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* Although we have changed names of people and places, the four illustrative stories in this report are based on actual situations.

The second step was to develop effective school-based screening programs to reduce the problem of over-referral. One program identified "high risks," i.e., any student exhibiting "characteristics hindering his ability to reach full intellectual academic or social/emotional potential," without assigning him a diagnostic category. Through the social worker's meeting with parents to get a social and health history, the LD teacher's brief reading and math screening, and some quick physical tests, all children newly enrolled in the school are screened.

Another screening activity involves a school-based committee that counsels mostly regular classroom teachers on solving particular children's learning difficulties. An hour is set aside each week allowing two teachers to present problems they are having with individual children in their classrooms. Often the principal, district psychologist, social worker, and the LD teacher come up with a specific remedial strategy that can be employed by the regular teacher. In some instances this solves the problem. In other instances the school-based review team decides the LD itinerant teacher should spend time in the regular classroom observing the student and providing necessary limited services. Sometimes this is an adequate intervention and, with this assistance provided on a periodic basis, a child can remain in the regular classroom and progress at an acceptable rate. This works for Willow because the district has support personnel who can work with the teachers.

In cases such as these the student is not officially placed in special education, although consultation and limited services are provided. Keeping the "high risk" child in the regular classroom and providing intervention without categorizing the child as "handicapped special education" or "learning disabled" is viewed as good practice by many special education teachers in the Willow district schools.

Occasionally a teacher will view this process as a stalling mechanism employed to keep certain exceptional children out of special education programs that are already filled to capacity. However, Mrs. Anderson is firm in her belief that it is important to have a system for the automatic review of ALL problem students before the need arises to refer to special education.

If these instructional variations do not solve the problem and the school-based screening team (including the teacher) concur that the learning difficulty is complex enough, a special education referral is made. When this takes place, the referral is appropriate according to this district's new standards. However, it is clear to Mrs. Anderson, that in a district feeling the crunch of limited resources and increased parental expectations for special education services, the same sort of system could result in screening out some children in need of special education.

the special educational service and placement needs. He argued that a full medical, psychological, and educational evaluation for every referred child was necessary to ensure that no special educational need would go undetected and to ensure that the spirit of the law would be met.

Related to the issue of expanded evaluation measures is the involvement of a multidisciplinary group of persons in the evaluation process. In one site, the multidisciplinary evaluation team included a counselor or school psychologist, a school nurse, an educational evaluator, a classroom or special teacher, and, where required, hearing and vision personnel, physical and occupational therapists, and others. This multidisciplinary approach, or at least the educational as well as psychological assessment, characterizes all of the sites but two, the most isolated and least resource-rich sites in our study. This trend over the past several years has been changing the psychologist's role in most LEAs. Now he or she is likely to have less influence over evaluation results and the interpretation of educational needs (also see Chapter VI on role changes).

Although we noticed many special education evaluation practices in our sites that are consistent with PL 94-142 intent, we have the impression that these practices are part of a continuing trend that predates the passage of PL 94-142. When we inquired about the nondiscriminatory evaluation requirements, few people could associate these with any specific implementation activities. We were told of cases where the evaluation battery was tailored to individual children. A psychologist in one site said that nonverbal tests are being used to assess how well culturally deprived children in the district function. A psychologist in another district described how the staff developed sex norms for certain tests so that criteria could be appropriately applied to boys and to girls. Another site (where 37 languages are spoken) draws upon personnel from different bilingual programs to assist in evaluation. However, LEA staff in most sites did not perceive that PL 94-142 required anything different from what had previously been state law and local standard practice. A special education director reacted: "We've always been able to give our tests in either Spanish or English." A psychologist in another LEA said that the good psychologists have always done these things and the law simply supports good practice. By their responses, we saw that LEA staff knew certain of the nondiscriminatory evaluation requirements. However, we could not interpret the responses to our questions about nondiscriminatory evaluation in terms of PL 94-142's impact on progress in implementing the federal requirements. One psychologist described the state-of-the-art limitations that affected the creation of culture-free tests. Another described shortages of Spanish-speaking psychologists and other qualified bilingual personnel. But these lacks were not associated with any plan to bring practices closer to those intended in the federal law.

The most noticeable changes in evaluation practices during the 1978-79 school year were in those sites where court decisions addressed evaluation issues. Legal suits brought by minority groups were affecting LEAs in three states we visited. Under a consent decree, one intermediate unit developed a multistaged evaluation process that required each district to inform parents at the time assessment measures were being selected. This was to involve them in the assessment process by inviting their participation in the final evaluation of their child's needs and in the decisions on services and placement. In another state, court decrees on evaluation practices were pending; in a third, litigation was causing confusion about the use of IQ tests in determining children's eligibility for services.

As our observations on eligibility criteria and referral suggest, evaluation should be viewed broadly to include time periods immediately prior to placement that are not strictly associated with testing and assessment. Rather than waiting until the formal evaluation stage to determine whether children need special education, many LEAs have instituted steps during the referral process as described earlier. These also act to determine children's needs and, to some extent, the least restrictive placement. For example, special education personnel in some sites (e.g., resource teachers for mildly learning handicapped children) are trained to determine whether a child should remain in the regular classroom but with special educational support, whether a short-term intervention will enable the child to "make it" in the regular classroom, or whether the child is likely to be eligible for special education placement and needs a formal evaluation.

Evaluation then, if it is broadly defined, includes many more procedures and steps than it did previously. Even before the passage of PL 94-142 there was a move to expand the variety of tests, the participating personnel, and the steps before official evaluation for placement. This expansion of evaluation processes has led to an increased assessment burden in most sites. More comprehensive evaluations may result in fewer misclassifications; the trade-off, however, is often that fewer children can be processed through the system. Staff in local school systems also make trade-offs between meeting evaluation timelines and doing more comprehensive evaluations.

Every site acknowledged an awareness of PL 94-142's mandate for triannual evaluation of each child. But, because of the existing burden on evaluation personnel, reevaluation was given a relatively low priority among the objectives set. One director of special education freely admitted he had no idea how he was going to reevaluate all of his special education students every 3 years. He said, "I don't know what I'm going to do. I'll have to worry about that next year."

Summary

- Out-of-school Child Find projects are generally informational only and identify few new handicapped children as presumably most are already in schools. However, within the schools there still exist two groups of handicapped children who are often not identified: those who, while not disruptive in the classroom, have serious emotional problems and those at the intermediate and secondary levels who have specific learning disabilities.
- Most mildly handicapped children enter the special education system through referral by the regular classroom teacher, who may not be trained to identify problems requiring, special education. There is a growing tendency, however, to involve more specialists in the referral process. This places the referral process in the hands of a more knowledgeable group of people. On the other hand, such a prereferral screening mechanism requires more staff time and effort and sometimes serves merely to limit the children identified to the number the system can accommodate.
- Children who get identified as potentially in need of special education differ from LEA to LEA depending on the kind of programs that are available locally. Two factors heavily influencing who gets identified are:
  - Eligibility criteria. States differ widely in their guidelines defining eligibility for special education. Some guidelines are very specific and allow little interpretive discretion while some are vaguely defined. Some guidelines are so narrowly applied that one group of children in particular often "falls between the cracks" of the handicapping categories. These are slow learners who do not qualify for services as either retarded or learning disabled.
  - Program Availability and Timelines. Backlogs of children waiting to be placed in a program or waiting to be evaluated discourage teachers from making further referrals. Waiting lists exist because of a shortage of available services and placements. Merely adding more evaluation personnel and imposing timelines will not solve the problem of backlogs; services must be expanded.
- The number of children found eligible for LD programs is increasing across sites relative to those found eligible for MR programs in part because there is less stigma attached to the LD classification and because more LD specialists are becoming available.

- In both prereferral screening and formal evaluation for special education, increasingly there is an attempt to use a variety of assessment materials, to involve a variety of people, and to tailor the assessment to an individual child's skills and deficiencies. This is in keeping with the intent of PL 94-142.

V DETERMINING APPROPRIATE SERVICES AND PLACEMENT

The previous chapter described how a child enters the system of special education. We now turn to the next stage: determining appropriate services and placement. The law emphasizes that these decisions are to be made on an individual basis and with parental involvement. Our focus is on how these decisions are made and what interactions take place between parents and schools in the process. We begin by describing the status of the formal procedures required by PL 94-142 regarding parental notification and consent and the IEP meeting. We then discuss the involvement of parents in general and how parents and schools view each other.

Notification and Consent

The law intends that the parents or guardian of a child be notified in writing when any action is proposed regarding the child and special educational services. Specifically, parents must be notified a reasonable time in advance of any action (or refusal to act) concerning their child's identification, evaluation or placement. In addition, parents must be notified of their rights, and their consent must be obtained before the child undergoes any preplacement evaluation or is assigned an initial placement.* Such consent must be "informed" and, hence, the LEA is responsible for instituting procedures that ensure that parents have sufficient information for making informed judgments. The purpose of these requirements is, at a minimum, to protect the rights of children and their parents in decisions regarding special educational services. They are also intended to encourage and facilitate parent involvement, one of the values underlying the goals of the law.

We found that, for the most part, procedures for notification and consent are in place. The procedures consist primarily of forms that are sent to parents announcing proposed actions concerning their child or describing district policies in general. The forms used by districts vary, particularly in tone and format. One program supervisor, who was primarily interested in improving parent involvement, complained that her district's

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* Consent for placement is treated more fully in the next section on the IEP meeting.

forms, which contain all the legally required information, present the information as statements of facts rather than as invitations encouraging parental attendance and active participation. Another district is extremely conscientious about ensuring that all parents receive a statement of procedural safeguards. The director of special education said that parents are encouraged to call him if they have any questions or if the statement contains anything they do not understand. In spite of these intentions, however, this particular statement of safeguards is one page of small print written in legalistic language and not visibly designed to encourage attention or understanding. Yet some forms were clearly designed with parents in mind. Both a small rural district and a large urban district have a space on their IEP meeting notices that allows parents to write in an alternative time and date for the meeting if the one proposed by the district is inconvenient.

With few exceptions, the forms do contain most of the necessary factual information. This is partly the result of districts using the federal regulations or outlines provided by the state as the source for developing their own forms.

With notification and consent procedures in place, there is an increase in the number of contacts between parents and schools. This alone is a significant change in parent-school relations in some places and for some parents who perceive all their contacts with the school as having been initiated only when their children were in trouble. However, whether this increased contact means that parents are more involved in making the decisions and have a more informed basis for giving or withholding their consent is more problematic. Clearly, contact between parents and schools differs radically from parent to parent and school to school. Moreover, each community has its own set of traditions surrounding relationships between parents and schools. For example, one rural district historically has had difficulty in obtaining cooperation from parents. Some parents are accustomed to keeping their handicapped children at home and often resist school officials' attempts to find help for them. Their reluctance to accept help from outsiders, as well as their reluctance to be open to new ways of doing things, reflects the isolated mountain culture of this area. The special education director recognizes these cultural factors and responds by refusing to pressure parents once she has made the initial offer of assistance.

This is in contrast to the relationship between parents and schools in an affluent suburban site. Parent expectations of the schools are extremely high. The school districts continually have to be concerned with living up to the community's "image." Parents are sophisticated, knowledgeable about the law, and willing to use the due process procedures to obtain the best possible services for their children. In this setting, the informal communication between parents and the schools is as essential as the formal notice and consent procedures. The

superintendent contends that one could never have a perfect notification and consent form even if it were 18 pages instead of 4. He argued that the important point is to communicate with parents in more meaningful ways.

The types of relationships illustrated above have endured for many years and are not likely to undergo major changes through the introduction of one or more forms. Not only do these traditions differ among districts, but there can be tremendous differences among the parents of handicapped children within LEAs. For instance, the parents in one section of a large metropolitan site are very different from the parents in another. The parents in one section are more likely to know little about the law. Thus, they require basic information and guidance on how the school system can help their children and how they can take advantage of what is available. In contrast, the parents in the other section are extremely knowledgeable about the law, the regulations, and even the most recent court cases.

These differences among parents translate into very different needs for information and encouragement, and hence pose serious challenges for school systems. Parents also vary in terms of how knowledgeable they are about the school system, how much encouragement they need to participate, and how literate they are. Even within one community, no single set of written documents, in and of itself, could possibly do an adequate job of being both complete and precise enough for the most aggressive parents and simple and nonthreatening enough for the most reticent. For example, in districts that do not have a highly educated populace, the notification and consent forms are too difficult for many parents to understand. When extra effort is required to explain the forms, school personnel sometimes do not bother to make that effort (although this varies from school to school and even from person to person within a school). However, parents in most districts have sources other than the schools from which they obtain information. These sources of information include newspapers, advocacy groups, nonschool professionals, and other parents.

Thus, we see that schools have, on the whole, instituted procedures for meeting the notification and consent requirements. While they are trying to inform parents, both in writing and in meetings, they face a huge challenge: to ensure that parental consent is informed in each individual situation (in view of the tremendous diversity among parents) while keeping the job manageable.

IEP Meetings

The law requires that each child who is to receive services has a written individualized education program (IEP). This IEP is to be developed in a meeting that includes certain school staff and the child's parent(s). In theory, the IEP meeting is

the place where appropriate services for the child are decided upon and the least restrictive environment in which they can be delivered is determined. Again, in theory, the IEP meeting results in a written document that includes the services to be provided, the extent of regular classroom placement, the long-term and short-term goals for the child, and the procedures and criteria for evaluating the child's progress. Finally, the parent signs the IEP, which indicates informed consent to the services and placement decisions.

There is a large discrepancy between theory and practice vis-a-vis IEP meetings, for understandable reasons. Constructing an IEP often takes many hours; we found an initial IEP usually consumes 2 to 4 hours and averages 4 pages in length. Scheduling meetings with school staff and parents--meetings that are often an hour or longer--poses logistical difficulties. Usually five to ten people must come together at a time convenient for parents, not disruptive of classes, and within hours tolerable to the staff. Finally, conducting these tasks for large numbers of children can become overwhelmingly time-consuming for a school district. We therefore take as given that it is nearly impossible for a single meeting to accomplish all the tasks assigned: interpreting a child's assessment, determining individually appropriate services, weighing the placement options for the service against LRE concerns, and writing the actual IEP. All this must be accomplished with input from the school staff as well as from parents.

It is necessary, then, to look at the ways in which schools and parents act in the context of these new and complex demands. In the following discussion we show how recognizing these facts about IEP meetings can help us understand why schools and parents act the way they do during IEP meetings and why they feel the way they do about them.

Schools take certain steps to make their tasks manageable. In terms of the IEP meeting requirements, the first step taken by most is to have some type of staff planning before the IEP meeting. It is common for two or more members of the school staff to consult with each other to come to some agreement about what they will recommend at the IEP meeting itself. There are only two sites in which this characterization does not apply. In one small site, rather than meet with other school staff, the school psychologist who conducts most of the testing and knows the placement options chooses to meet personally with the parents to discuss the preliminary recommendations. In another site placement recommendations are made by a regional screening team and are always honored by the LEA. The most common approach, however, is some type of preliminary planning meeting or "pre-staffing" without parents. This is viewed as both necessary and desirable by most school personnel, although prestaffings are handled differently in different districts.

In several sites formal preplanning meetings are institutionalized; that is, district and school personnel routinely hold formal meetings without parents to discuss test data and possible appropriate placements. School personnel say this is necessary in order for them to "get their act together" before meeting with parents. In other sites this is a much more informal process. People involved in the child's assessment often meet informally with one another to discuss the test results, the various placement options, and possible IEP goals.

Whether the preplanning is formal or informal, school personnel usually present a common position or viewpoint to parents in the IEP meeting. This is accomplished in part by drafting sections of the IEP before the formal IEP meeting with the parents. However, the extent to which such advance drafting of the document is done varies extensively among and within sites. It ranges from one district in which the entire IEP is written before the meeting (including short-term goals) to one in which the entire IEP is drafted by the receiving teacher after the IEP meeting. In half the sites, it is common for the IEP to be written more or less in its entirety, except for short-term goals, before the meeting to be presented to parents as a fait accompli. This tends to occur more in districts with formalized preplanning procedures. In other districts, the IEP is partially or fully developed in the meeting itself and includes varying degrees of input from parents. In all but three sites, the short-term goals are left for the receiving teacher to write. This is justified on the grounds that the teacher needs to become acquainted with the child before being able to develop realistic concrete goals for the child. Perhaps this is one instance in which the intent of the law may best be met by altering the literal mechanism of the law. In the three exceptions in which the short-term goals are written first, it was acknowledged that they are rewritten by the receiving teacher. In two of the cases, the only purpose in writing them early was to meet the letter of the law, not because the participants saw any value in doing so.

The third exception illustrates how one site closely approximates both the intent and the literal requirements of the law. It has been able to do so primarily because it is small, currently resource-rich, and has been implementing this strategy for 9 years. The initial short-term goals are developed on a general level at the IEP meeting. This is routinely attended by the receiving teacher (hence, the placement is tentatively decided) who actively participates in their construction. The goals are then expanded and revised throughout the year by the teacher. The parents are informed in writing, when they initially approve the IEP, that these are preliminary goals and will be periodically updated in keeping with the child's progress. The parents are invited to review them at any time.

In all but three districts, most staff view the essential part of the IEP meeting as completed when the parent signs off on

the written plan. However, there are widely varied views on the purpose of the IEP itself. These, in turn, influence how the school staff perceive the IEP meeting and the role of parents in the IEP process. Where the IEP is seen as an ongoing process, there is less of a tendency to view the parent's signature as the main goal of the meeting. Whether this is a growing trend cannot be determined as yet. (The next chapter discusses current perceptions of the IEP and how it is used.)

As a result of staff preplanning, including the drafting of the IEP, parents are usually put in a reactive position: their advice and consent are solicited within the context of options already chosen by the school staff. Moreover, most parents do not believe that they are expected to contribute information that would significantly affect the decisions concerning appropriate services and placements for their child. It is often the case that parents' observations of the child's problems and performance are elicited. But most parents do not make substantive contributions to their child's IEP and at IEP meetings tend to go along with the placement recommended by school personnel. This occurs in part because parents have limited information about options and because many feel intimidated about questioning school authorities or expressing their views in front of highly trained specialists. As one parent who formerly was of this majority said:

> Parents are afraid. [They think] who am I to tell them how to do their job?

A more active parent stated:

> A lot of parents are intimidated by administrators. They think the school knows what's best and that's not true. There has to be a meeting of minds, a sharing of processes. They have to have genuine concern about what goes on with their child.

Some parents are not intimidated, but abstain from contributing to the decision because they believe that the decision is the appropriate responsibility of school personnel, and genuinely trust that the school staff are people who know what is best for their child:

> I knew they knew best--he needed individual help.
>
> I feel comfortable with him [the psychologist]; he don't never put your child down.

Or a lack of contribution may reflect parental apathy or constraints on their ability to participate. Complaining about getting parents to participate in school activities, one parent commented:

> Some parents, a stick of dynamite won't get them involved.

Another stated,

> People have grown away from organized groups. There are always a select few who run everything. You go to a meeting and see the same few.

A parent advocate expressed the reasons in this way:

> In a crisis we can get lots of parents out. But then they're finished. They won't or can't do more. It's unrealistic to expect parents to deal with schools when they're drained by emotional and financial concerns.

Some parents even expressed the belief that in one way or another their child would suffer adverse consequences if they did not go along with the recommendation presented to them. Two parents commented:

> The clout the district has is what it can do to your child.

> They have your child's education hanging over your head.

In general, though, the absence of significant parent contributions is seen as a combination of personal constraints. As summarized by one parent:

> The problem of involving parents has to do with the parents themselves not wanting to engage--being too busy--feeling their lack of education and ignorance--wanting the school to handle it. It's a slow, hard problem for the district; there is no answer for that.

Thus, it is understandable that some parent participation in IEP meetings is pro forma, given the variety of parents' desires and capabilities, and the limits on the time school staff can spend on informing parents.

Linkage Between Settings and Services Decisions

In spite of the fact that the school staff plays a major role in placing a child and does much of the preparation without involving the parents, in most cases what the school personnel recommend, and what actually gets written into the IEP, represent a sincere effort to meet the child's needs--but only within the scope of programs and services already available. Routinely, LEAs are reluctant to include in the IEP those student needs and services that are necessary but are presently unavailable or too

costly to the district. In one LEA, given the combination of PL 94-142 and changes in state financing, the staff feel that "Our hands have been tied in terms of what we can do for kids. Kids may need different kinds of services. . . . (I)f we recommend it, we have to pay for it."

The decision for placement, whether or not parents are involved, rarely represents a choice among a range of placement options. Services and placement have traditionally been tightly linked; that is, essentially the decision to provide a particular service is also the decision to serve the child in a particular setting or facility. For example, in several sites services for EMR students can only be obtained in self-contained classrooms and services to TMR students can only be obtained in a separate facility. In other districts, the link exists only for certain handicaps and several districts have consciously begun to sever this link by developing a wider range of options for mildly handicapped students and those with physical and sensory impairments. For example, some sites have a range of options for the mildly handicapped: self-contained classrooms, itinerant teachers, or resource rooms with the possibility of different schedules for regular classroom time. While in such sites, TMR students may still only be served in one setting, the self-contained classroom, this classroom is often in the regular school building.

Two districts provide a clear exception to the traditional link between services and setting. Both exceptional districts have a wide and flexible range of services and placement options. One district's options include teacher consultants who go into the regular classroom to work with individual students; itinerant speech, reading, or language specialists who provide small group instruction; resource and modified resource rooms; self-contained classes; and home and hospital instruction. In this unusual district where resources exceed the number of children who need them, children are placed in the setting that is most appropriate to their individual needs, regardless of their particular handicap. The second district has such flexible service and placement options that a severely orthopedically handicapped child can be served in either a separate school or a regular classroom--whichever would best meet his or her needs. Physical and occupational therapy can be provided to the child, if needed, in either setting. The district will also provide an assistant (aide) to help the handicapped child fully benefit from the regular classroom placement if this is deemed most appropriate for the child.* The resources to provide such a range of options, and therefore the ability to decouple service and setting, is rare in the sites we studied.

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* In general, keeping the child in the regular classroom with supplementary aid is only an option in cases involving itinerant teachers or resource rooms.

Because there is rarely a range of placement settings to choose among, the placement decision rarely reflects a consideration of the least restrictive environment appropriate to the child. In addition, justifying a child's removal from the regular class does not arise at this point. Even when there is a choice of settings for providing a particular service, the choice is likely to be made on the basis of immediate availability (a "slot" for the child). Except for favoring placement in the school nearest the child's home, there is little consideration of whether the placement environment is, or is not, restrictive. For example, one supervisor stated: "What's appropriate is what's available."

Parent/School Interactions

The law specifically guarantees parents the right to represent their children's best interests and requires schools to invite parents to participate in the decisionmaking process concerning their children. This presumes that parental involvement will improve the quality of decisions made about their children or, at the very least, guard against the schools' taking inappropriate actions. The civil rights character of the law, as well as the specific procedures for informed consent and due process, imply changes in both the amount of parent/school interaction, as well as the nature of their relations. Thus, it is important for us to characterize parent/school interactions during the 1978-1979 school year as a baseline for tracing changes that occur as the law is implemented.

Earlier, we described an increase in parental contacts with school staff via the notification and consent procedures. In this section we try to describe the nature of those contacts between parents and schools and how the law has influenced it.

Parent Expectations and the Schools' Response

In spite of increased contact between parents and schools, we found that generally most parents in the sites studied are still not actively involved in decisions affecting their children. Nor, however, are very many parents expressing dissatisfaction with the schools' decisions about their children. Our respondents agreed that, in general, the vast majority of parents would rather work with the schools than against them.

In the sites we studied there are tremendous differences in the extent to which parents are visibly satisfied. Parental dissatisfaction is manifest when there is a discrepancy between what parents in each community expect for their children and what the schools in that community are providing. Parental expectations are primarily related to the traditional ways that parents and schools in each community have viewed each other, but PL 94-142 has the potential for changing what has historically

been expected by parents. In those districts where the parents of handicapped children are aware of and knowledgeable about PL 94-142, the law often has increased their expectations more than it has increased the school districts' abilities to provide more services. This is the situation in about half of the sites. As one parent said:

> Wow, it's a whole new ball game ... (I)n the past the schools would offer any programming and parents would say, "Oh, thank you," while bowing and scraping. Now the parents assume schools will have appropriate programs.

Within several of these sites, factors other than PL 94-142, such as the Master Plan in California and the PARC decision in Pennsylvania, contribute to parents' increased expectations. Nevertheless, even in these districts, those parents with raised expectations who make demands on the schools usually represent only a minority of parents.

However, in five of the sites parents do not seem to know about or understand the law well enough for it to alter their expectations. These sites also represent the least progressive special education systems. In two other sites the parents are knowledgeable about PL 94-142 and know what rights their children have, yet instead of criticizing the schools for not being able to provide more services, they sympathize with them. They blame the federal government for not adequately funding the law. In both these sites at least some parents are very involved with the schools and the special education programs; they were even aware of budgetary matters and state requirements. Finally, in two other sites the special education programs are ahead of parental expectations; that is, they are more progressive than the parents expected.

To look at the ways in which schools are responding to active, dissatisfied parents, we examined the findings from those districts where parental expectations have exceeded the schools' abilities to provide more services. As these are generally the districts experienced with due process hearings,* the LEA response is in part an effort to prevent the dissatisfactions from escalating to formal complaints.

We frequently found that these schools were pulling back a little. Informal discussions between parents and school staff are reported to be less free and open than they were. For example, administrators and teachers might be less likely to tell

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* Due process hearings are discussed separately in Chapter VII.

parents that their child needs a service that is presently unavailable. In a few places there are even articulated administrative policies covering what staff should say to parents. A superintendent in one LEA circulated a memo stating:

> It should be made clear by school policy that any recommendation made by a psychologist or social worker professionally qualified to make it does not bind the school district unless the employee is authorized specifically to do so.

Another superintendent stated that:

> Policy should distinguish between a recommendation and a binding recommendation. "Suggestions" or "recommendations to investigate the need for" should be excluded as binding recommendations on the LEA.

A parent stated:

> Schools are afraid to tell parents what is appropriate because they might have to pay for it .... (T)hat is a burden on the professionals--they feel stress.

In another district, parents characterized the atmosphere as having "an undercurrent of walking on eggs" because administrators are concerned about district liability. In a small district, the school psychologist said that they are not recommending that parents seek services from outside agencies as often as they used to. As an example, he related the following story:

> In the past we used to frequently refer individuals to the mental health facility for individual or family counseling. This year I made a very informal recommendation, saying, "This might be a help to your family." The school district received a bill for $200. They went ahead and paid the bill simply because that was less costly than going to a hearing. Despite the fact that most parents wouldn't think of sending the district the bill, we're going to be very careful of the way we make referrals in this county.

Disagreements Between Parents and Schools

As a result of rising parent expectations and the schools' increasing reluctance to be open, some disagreements have intensified between parents and schools. In order to learn on what issues these disagreements centered, our interviews in the 22 sites were with parents who were actively dissatisfied--a small percentage of parents and not found in all districts. When we interviewed these parents, we found the two most common areas of disagreement concerned the appropriateness of a related service and the appropriateness of a private school placement. The former occurred in almost two-thirds of the sites studied, while the latter was found in more than half.

Although no single issue is as prevalent as those concerning private placements or related services, a number of others have arisen between parents and schools. One is the degree of specificity of services. For instance, a parent requesting the use of a particular curricular approach finds school staff resistant to considering it if no teachers are trained to provide it. Education professionals do not consider it legitimate for parents to recommend such specifics as a particular teacher, a particular instructional technique, or the number of hours to be provided for a related service. Other areas of disagreement result from parents' concern about schools' maintaining wait lists and using inappropriate evaluation procedures. Additionally, parents and schools have disagreed about how much mainstreaming is appropriate.

One observation we made is that those parents who are dissatisfied and who confront the schools tend to be those who are highly educated and have above-average incomes. Their children are not the disadvantaged ones who many advocates supporting the passage of PL 94-142 feared were excluded or erroneously classified under the existing systems. This is not to suggest that exclusion and misclassification are not occurring, but rather that we did not see these issues argued at the school level.

The topic of parent/school relations is a sensitive one when disagreement exists, because there is a natural tendency for parents and school staff to blame one another and to question each other's motives and sincerity. However, insofar as we could determine, the accusations that parents and school personnel hurl at each other are sometimes valid and sometimes not. For example, the tendency of school personnel to blame parent dissatisfaction on unreasonable expectations and on fulfilling their own, rather than their child's, needs is sometimes quite justified and at other times merely a rationalization for inadequate performance. Similarly, the tendency of parents to blame school personnel (administrators more often than teachers) for inadequate services or caring more about bureaucratic convenience than their child's needs is sometimes justified and at other times is a way to vent feelings of guilt, frustration, or related feelings. In one district, two sides were clearly expressed. The special education administrator offered this view:

> Parents suffer from chronic sorrow. Parents sabotage realistic programming and voice unrealistic wishes for normalcy.

Two parents explained their feelings this way:

> The special education director is inflexible and arbitrary .... (T)he combination of program control from the director, fiscal approach to program and teacher schedule from the superintendent, and both holding low, unimaginative expectations for EMH students, equals trouble.

This increase in mistrust between parents and schools characterizes only a small minority of parent/school interactions. However, it is true that the small minority of parents who confront the schools monopolize the bulk of the time that some school system personnel devote to parents.

Summary

- Although all LEAs have gaps in services and limits on placement options for a given service, these gaps and limits differ from LEA to LEA. Because special education staff attempt to find a program into which the child will fit, it is unlikely that services will be recommended for a given child if they are not presently available. Staff will rarely recommend a related service on the IEP unless they know the LEA can provide it.
- The fact that services are tightly linked to the settings in which they are delivered means that, once the services are decided, the placement decision is made automatically or vice versa. Because a range of placement options for a given service rarely exists, the placement decision seldom entails the separate consideration of setting restrictiveness.
- By and large, schools are meeting their legal obligations to involve parents in decisions concerning their children. Forms and procedures are in place for informing parents of their legal rights, for notifying them about actions taken regarding their children, and for obtaining their signed consent to these actions.
- While these procedures are in place, this does not necessarily mean that parental consent is "informed," because parents of handicapped children traditionally do not question the schools' authority in making service or placement decisions, and because there is a limit on the amount of time school staff can devote to involving each parent with the specific issues that are in question.
- Each community differs in the amount of parental expectations of the schools, although there is a growing tendency for parents to expect more of the schools as a result of PL 94-142.
- Disagreements between parents and schools center around the meaning of "appropriateness" and, hence, what is legitimately the school's responsibility to provide--particularly in the areas of related services (e.g., transportation, occupational therapy) and private school placements.

VI IMPACT AT THE SCHOOL LEVEL

The preceding chapters described how, with respect to PL 94-142's goals and procedural requirements, LEAs identify, evaluate, and determine services and placement for children needing special education and related services. In this chapter we consider how these processes are affecting the schools. Specifically, we look at what impact the mandate has on educating handicapped children in the least restrictive environment and at what uses service delivery personnel make of the IEP document. We then describe role changes, the nature of in-service training in light of new roles and, finally, the attitudes and concerns of school level staff.

Impact of the Least Restrictive Environment Provision

Mainstreaming in Practice

It is the intent of PL 94-142 that handicapped children be educated to the fullest extent appropriate with children who are not handicapped. To achieve that goal, the criterion of the least restrictive environment is to be considered in making the initial decision to place a child in special education. Thus, PL 94-142 places the burden of proof on schools for removing a handicapped child from the regular classroom for special education. To place a child in a setting other than the regular classroom, staff must demonstrate that, even with support, a child cannot be appropriately served in the regular classroom. However, Chapter V described how, despite what the law envisions, consideration of the least restrictive environment criterion is likely to be an afterthought in the placement decision.

When we inquired about how the LRE provisions of the law were being implemented, staff described how they were exposing handicapped children already in special education placements to nonhandicapped students. We were told about and were shown a variety of practices, most of which had been initiated before the passage of PL 94-142. Such practices include educating orthopedically, visually or hearing impaired children in regular classrooms with the assistance of an aide; educating mildly learning handicapped children in regular classes, except for part-time instruction in a resource room setting; educating moderately handicapped children in a self-contained setting in a regular school and integrating them with regular children mainly for nonacademic subjects; instructing moderately and severely handicapped children in separate facilities on the regular school campus; and taking children on field trips or on excursions in

the community (e.g., trips to a roller skating rink). We also saw less conventional methods for achieving mutual exposure of handicapped and nonhandicapped children. For example, in one school nonhandicapped junior high students were given an elective credit for working as aides in a classroom for the developmentally handicapped* who were located in a separate school near their campus. We also saw the "basement facilities" approach--moderately retarded children inside the regular school building but housed in substandard and totally isolated classrooms.

Although LRE can mean many things and is interpreted differently for children with different disabilities, we found that the most common usage was to equate LRE with "mainstreaming" handicapped children already in self-contained special education placements back into regular classrooms.** Thus what is most typically referred to as "mainstreaming" consists of moving a group of children from a completely self-contained classroom to a regular classroom setting, usually for nonacademic activities (e.g., lunch, art, music, recess, physical education) or transferring individual children from a self-contained placement into regular classes for some academic instruction. The integration of mildly handicapped students with nonhandicapped students is very common for nonacademic activities and classes. In the typical elementary school, classes of mildly handicapped children eat lunch as a group with nonhandicapped children from the same school; often they mix for art, music, and physical education.

In one high school that has long emphasized mainstreaming, there is clearly more than token integration. EMH (educable mentally handicapped) students are in shop and music classes with nonhandicapped students, and neither the teachers nor the regular students are aware that the EMH students are also attending special education classes. Moreover, some hearing-impaired children (who can hear enough to benefit from music instruction) attend music class with regular students. At their own request, these regular students have learned some signing and have taken the handicapped children "under their wing."

At the elementary level, mainstreaming for art or recess is typically done on a group rather than an individualized (LRE)

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* This term, used locally, refers to handicapped individuals from 3-21 years of age who function at a very low level, some because of brain injuries.

** BEH reports that nearly 70% of handicapped children served by the schools receive some portion of their education in regular classes; many of these receive the bulk of their services in regular classes and receive special education on a pull-out basis. Thus, the common usage of mainstreaming takes into consideration only a minority of the handicapped children, those mainly in self-contained placements.

basis.* Mainstreaming for academic instruction, however, is typically determined on the basis of an individual child's ability to function at or near the level of nonhandicapped children in a specific content area. A good example is that of a boy who had been successfully mainstreamed in math for the 1977-1978 school year. He had then been placed in a regular classroom for reading the following year as well; however, the reading placement was made on a trial basis. His special education teacher said, "We compared his reading scores and class work before we decided to try him in the regular class for reading. We thought he could probably make it. He will be able to receive some help from the resource teacher if he needs it." His regular teacher added, "He seems to be functioning fine in my low reading group. I've actually taught lower-functioning readers who were not in special education."

At another school, a regular teacher told us about a mainstreaming attempt that failed because the child was not functioning at an appropriate academic level. Before the child was placed in her room, she had not observed her or looked over her work. She said:

> The special education teacher came to me and just said: "[the child's] parents had requested it," and asked if I would try her in my class. . . . I had to keep putting her finger back on the book, so she could follow where we were. The child is lovely but she can't take the pace of a regular classroom. For socialization, mainstreaming is great, but for academics, [the special ed kids] are better off getting individual attention and my kids are also better off.

Another criterion teachers use to make mainstreaming decisions is the child's social acceptability and his potential to disrupt the class. In talking about junior high school children, for example, a teacher stated,

> We can't integrate them into the reading or math classes because, even though they're functioning at the second or third grade level, they're too big to put into the little kids' class. I almost put one girl with the fifth grade teacher, but she was so physically mature and "well-developed" that the teacher and I agreed it would be too distracting to her kids.

Most of the practices we encountered and the criteria used to make mainstreaming decisions have not been significantly

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* This practice is less typical for emotional or behavioral disorders and for children with physical and sensory impairments than it is for mentally retarded and learning disabled children.

altered (yet) by the passage of PL 94-142. Instead, the federal law has lent support to existing trends--including a gradual increase in the amount of mainstreaming--in most of the sites we visited. In some sites, however, it was clear that the amount of mainstreaming was being affected by state funding regulations or the implementation of court-ordered deinstitutionalization plans.

For example, in one state a new special education plan was obviously facilitating mainstreaming in local schools. Districts now operating under the state-supported plan have expanded the resource specialist program to allow learning handicapped children to remain in the regular classroom for as much of their educational time as possible. Even in a district not yet operating under the new state plan, LEA personnel are increasing their efforts to integrate children from separate facilities into the regular school on a part-time basis. A change in the funding formula in another state created new incentives for mainstreaming. A principal told us:

> This year, for the first time, we were asked by the state to check on the number of children attending resource and self-contained classes, and at the same time they informed us that ADA funds* would no longer be provided for self-contained placements. I see this as an effort to raise the consciousness of locals regarding LRE.

In contrast, in another state where funding for special education is strongly tied to a hard-and-fast categorical system--and where districts are reimbursed only for the time that a special education teacher is face-to-face with a child--one district we visited has not increased the amount of mainstreaming since the passage of PL 94-142. An administrator reported that he worked against the incentives to get handicapped children into regular classes. "We diffuse 'em out but count 'em as in the program full-time in order to maintain [support for] programs."

In several states, PL 94-142 implementation is occurring concurrently with the implementation of some court-ordered plan for deinstitutionalization, based on the legal principle of the least restrictive alternative. These deinstitutionalization orders are having considerable impact. In response to our inquiries about LRE implementation, special educators at a site in one of these states were highly critical of the rush to reduce the number of handicapped people in institutions, especially the severely emotionally disturbed. One special education supervisor stated,

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* ADA funds refer to state reimbursement for local programs, based on average number of children in daily attendance. Presumably, LEAs will now be reimbursed at a lower rate for their self-contained, special education classroom programs.

> I think the federal government (sic) is making a mistake in going all out in this . . . (W)e say we're integrating them, but there are a lot of problems . . . (T)he least restrictive environment [for all of these individuals] may not be institutions, but what we're calling deinstitutionalization may be an equal injustice as well.

In response to a court ruling to take severely retarded and multiply-handicapped children out of a state school, 10 children in one LEA spend 30-45 minutes each way being transported from an institution to a classroom housed in an abandoned school facility. Although this removes these children from one institutional environment during school hours, the facility to which they are bused is not as well equipped to meet their physical needs as is the classroom they used in the residential facility. Nevertheless, it is close to a neighboring elementary school to which, each day, the children are again transported the short distance to join nonhandicapped children for lunch. While the experience of attempting to serve themselves in a cafeteria line or taking their meal in the same situation as nonhandicapped students puts them "in contact with the community," the other children do not associate with them during lunchtime. Local educators are understandably quite confused about whether this sort of deinstitutionalization is the "right thing" or even the "least restrictive environment" for these children.

Factors Facilitating Mainstreaming

Our initial observations to determine whether or not mainstreaming is successful at the school level resulted in the identification of three factors:

- A supportive principal. At the elementary level at least, the principal's understanding of the mainstreaming concept and his support of staff actions to achieve appropriate integration facilitate mainstreaming. This means that the likelihood that a child will be mainstreamed and the degree to which the teachers perceive it as successful and worth continuing vary considerably from school to school. This is highlighted in LEAs with a school-based management system. We observed at one site that handicapped children from one school interacted a great deal with regular children, but in another school in the same district handicapped children would rarely leave their self-contained classrooms.
- A good working relationship between individual regular and special education teachers. In the absence of any systematic steps for determining LRE for handicapped children, special education teachers typically determine for themselves that a child is ready to join his or her

nonhandicapped peers for certain subjects. These teachers attempt to find a regular classroom teacher (usually in their own building) who will be receptive to these students and willing to "try it out." In these situations, services can be informally bartered, as the following example illustrates. In order to get one of her students back in the regular classroom, a teacher of the severely language-handicapped developed an arrangement with a regular classroom teacher. The regular teacher wanted some of his students to get a little extra daily help in reading and language but he could not provide it because he was overloaded. In return for his allowing the child to be mainstreamed into his class, the special education teacher spent one-half hour of her preparation period for two years tutoring the students of the regular classroom teacher.

- Aides and assistants to support regular teachers. Aides and assistants are sometimes crucial for successful mainstreaming. As an example, in one site, aides in a math class help code material so that visually impaired children can see problems. In a suburban site, one nonverbal orthopedically handicapped student is totally mainstreamed in a sixth-grade class. She has a full-time assistant who helps her communicate, eat, and move around in the wheelchair. Her teacher felt that to have the full-time assistant was crucial: "Mainstreaming will rise or fall on the basis of back-up or support."

At first, we concluded that integrating handicapped and nonhandicapped children is typically the result of ad hoc decisions and depends on the good will of staff members and their individual efforts to achieve the goal. But several notable exceptions to this conclusion have begun to emerge. The common denominator among the exceptions is the presence of a service that crosses the regular-special education boundary or a staff member whose job permits or requires crossing that boundary. These staff members are either in a new role or are involved in a significant expansion of their old one. The expanding role of the resource specialist--a special education position increasing in use during the decade--provides several illuminating examples:

- One city district has teams of systemwide itinerant resource teachers. These are composed of selected special education teachers who travel from school to school and are heavily involved in giving in-service training to facilitate mainstreaming. In one in-service training program, which took place after school hours and was attended by the entire faculty of a school, the team emphasized the role of the regular teacher who serves mainstreamed children. Topics included referrals, testing, and involving both special education and regular education teachers in the child's education. Afterwards, the team met with regular teachers and helped them write

IEPs for students who were on waiting lists for special classes, but who were being served in the regular classroom. They also assisted regular teachers in implementing the IEPs and evaluating objectives. As a result, regular teachers feel more comfortable and confident about working with special education students. In addition, referrals for special education decreased.

This systemwide group has a mechanism to perpetuate its effects; the teams train a regular education-special education teacher team at each school. The team, in turn, provides ongoing, in-service training for the rest of the faculty and relies on the itinerant team as a back-up. The itinerant team stays until the teachers feel confident and comfortable and then moves on to another school.

- California's Master Plan for Special Education calls for a resource specialist, one of whose responsibilities is to facilitate the mainstreaming process. To do so, the specialist provides in-service training to school staff, consultation services and materials to regular classroom teachers, and acts as a liaison with the teachers of self-contained special education classes to expedite successful integration of students. This facilitative role becomes apparent when comparing one site where some schools have implemented the Master Plan's resource specialist program with others that have not. Those schools that have adopted the program have more handicapped children in regular classes during part of the day, and their staffs are noticeably more supportive of mainstreaming than non-Master Plan schools.

- In another site, we encountered a mainstreaming specialist, hired in the spring of 1978 with PL 94-142 funds, to coordinate the curriculum and monitor the progress of students who have been mainstreamed.

We encountered other staff members whose jobs called for "boundary-crossing":

- One boundary crosser was a special education supervisor who had developed forms aimed at facilitating the working relationship of LD and regular teachers (see illustrative story in Chapter IV). These included a questionnaire for the regular teacher to complete regarding an LD student's classroom performance, a form summarizing the LD teacher's suggested short-term objectives, a list of procedures used in the LD room, and suggested "helpful hints" for regular classroom teachers.

- Another example was a diagnostic-prescriptive teacher who is responsible for coordinating the evaluation, IEP development, and programming for special education students. In such a role, the teacher deals with both regular and special education teachers.

In some small sites and rural sites, the director of special education (or equivalent) runs a "one-person operation" and personally coordinates services for individual children by communicating with teachers across the regular-special education boundary. We encountered this kind of facilitator in a few sites where the number of children served is within the capability of a single person or a small team to monitor. ("If [the director] doesn't know what's going on in [this site], nobody does.") However, in another small LEA, more children are being identified as in need of special education, and it is becoming harder for one person to be "in charge" of facilitating mainstreaming.

IEPs

Use of IEPs

A tremendous amount of activity has occurred in implementing the IEP provisions, particularly the written IEP document. The major activities described during school level interviews pertain to IEPs. Special education teachers described why they could not apply the short-term goals (if any) that were prepared at the IEP/placement meeting to the children who were placed in their classes. They convinced us it was more sensible to write such goals after the child had been observed in the new setting. Most teachers felt free to make minor changes in the IEP document (i.e., change short-term goals) without consulting parents, but some thought a parent-teacher conference was required. Some special education teachers we spoke with had been involved in deciding the details of the district's IEP format and the guidelines for its completion; most just complied with the guidelines given to them. Teachers in some LEAs told us they had received release time in the spring to prepare IEPs. Itinerant speech or LD teachers described caseloads of 30 or more children for whom they were preparing IEPs (which included short-term and sometimes annual goals). Implementing PL 94-142's IEP requirements consumed more time for more staff than any other procedure required under PL 94-142.

We found that by the fall of 1978 all LEAs had written IEPs for children receiving special education and related services. However, it was an exception, rather than a rule, for service-givers to make significant use of the IEP documents that had been developed. Opinions among teachers ranged widely concerning the usefulness of these documents:

- IEPs are the best thing ever; they really help you to look at the whole kid. You know where he is.
- I don't use them. A waste of time writing them. I know what's in my head.
- Generally speaking, I think they're useful.

- Writing IEPs is a pain in the neck, frankly, but I think it's going to help special education.
- I am just waiting for someone to come in and rattle through my files [to check for compliance].

Although many acknowledge that the process of developing the IEP is good and is helpful, fewer claim to find a use for the written document once completed. For the most part, the uses of IEPs seem to be those that teachers have generated on their own and which are not part of a systematic program. Many professionals have assumed that the law's IEP requirements implied use of the document for individualized instructional guidance.* Some teachers have prepared IEPs in such detail that they are a source of daily instructional guidelines or lesson plans. One teacher was so positive about the usefulness of IEPs as an instructional plan that she complained that, "There's not enough room to write good objectives on the form." Other commonly reported uses include:

- A means of documenting an individual's progress
- A device for communicating with parents at conferences
- A source of factual information about a child.

There are several exceptions to this individualistic pattern; that is, there are several sites in which IEPs are used consistently by all the teachers for a specified purpose. In a state with an accountability system originally established for regular education, all teachers we interviewed in two very different LEAs stated that they used the IEP as a daily lesson plan or a guide to develop daily lessons. In one of the sites the district administrator reported that, because of the state's accountability testing plan, the LEA developed checklists of educational objectives by grade level. This idea has been extended to special education so that objectives are developed by

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* The National Association of State Directors of Special Education (NASDSE) distinguishes individualized instructional plans (IIPs--containing curriculum specifications) from IEPs (containing general specifications for educational services) when they provide technical assistance to state and local educators. Other professional groups are also attempting to make the distinction between a general plan for service and a set of detailed specifications and steps. BEH also makes this distinction in a recent policy paper, specifying that short-term instructional objectives are not meant to be daily or weekly instructional plans, but rather quarterly or semester goals.

exceptionality and can be used on the IEP as long- and short-term goals for handicapped students. State monitoring is an important factor; in one district, the SEA monitors to determine that the lesson plans and the objectives checklists coincide with the IEP.

In an affluent suburban site, we found an intermediate education agency that has developed a systematic plan for the use of IEPs. This agency sees the IEP as a management tool defining the obligation of the district administration. In doing so, the IEP assures that the special education program designed for a specific child is checked for appropriateness to the child's specific needs that were determined by evaluation, and is actually delivered as designed. Teacher consultants and supervisors are expected to consistently use the IEP for these purposes.

Fragmentation of Responsibility

When special education services were not all provided in self-contained classes, we found a lack of coordination among the various teachers who work with a particular child receiving special education. Coordination is poorer between special education and regular education teachers than among special education specialists. Although the IEP document is the focus of a child's services and specifies his or her educational program, there is evidence in only a few sites that it is used to coordinate services.*

When a child spends part of each day in the regular classroom, there is great variability in the regular classroom teacher's participation in writing the child's IEP. In some LEAs regular teachers are never involved. In a very small site where teachers interact often, regular teachers are always involved in IEP development. Most sites fall between these extremes and variability is great from school to school.

Typically, when a child has more than one teacher, at least one of his or her teachers does not have a copy of the IEP to work with. This is particularly true for regular teachers. One regular teacher expressed it this way: "If I wasn't a personal friend of [the special education teacher], I wouldn't have seen the IEPs for the two children in my class."

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* There is a dilemma inherent in this situation. On the one hand, the involvement of regular teachers in a special education student's programming can lead to better, less-fragmented services for the student. On the other hand, if the regular teacher is not informed that a particular student in the class is handicapped, the teacher does not hold stereotyped expectations for the student, and the chances that the student will be stigmatized may be reduced.

It is unusual for regular teachers to make use of the IEPs for children in their classes. Regular teachers in one site claim that the law has been interpreted incorrectly by local administrators and that regular teachers should not be involved with the IEP. They argue that, if a special education child is ready to be in a regular class, he or she is ready for the same goals and objectives as children in the regular class.

The required IEP reviews could provide a systematic opportunity for formal follow-up of a mainstreamed child's progress in the regular classroom environment, but commonly any such follow-up is done through contacts between teachers in the hall and during informal conversation in the teachers' lounge.

In summary, while we found that IEP meetings had been held and IEP documents were developed for handicapped children, we did not find systematic use of the IEP documents. As a rule they were not used to reduce the fragmentation of responsibility for handicapped children's programs nor to narrow the gap between regular and special education personnel providing services to children. There were, however, some notable exceptions to the rule, paralleling those we found in studying mainstreaming. In a site where the elementary level diagnostic-prescriptive teacher says, "The IEP gives us clout," a principal told us:

> Somehow the law is behind the special education staff and once the IEP is written, it has the "force of law." If the IEP says you must do such and such to help him, then the special education teacher is no longer in the position of begging a regular teacher to take a kid and help.

In one or two sites, the same boundary crossing personnel discussed under the topic of mainstreaming are using the IEP as the focal point of their coordination activities. They show the IEP to a child's various teachers and use the written goals to suggest how the child's program can be coordinated.

Role Changes

At the school level, we expected to find the roles of various personnel undergoing changes as a result of PL 94-142. We especially expected to find role changes for the school psychologist, principal, and regular and special education teachers.

The Psychologist

Because of a trend toward educational and multidisciplinary assessment and away from purely psychological assessment, we expected that the psychologist might be less likely to serve as "case manager," might have less influence over service needs and

placement decisions, and might have his or her authority questioned more often by parents, principals, or educational diagnosticians. As described under evaluation in Chapter IV, we found evidence of such changes in some sites. We saw that, rather than assessment being the exclusive province of psychologists, there is now more educational assessment and a correspondingly larger role for the educational diagnostician. However, PL 94-142's primary impact on the psychologist's role during this implementation year was to increase the percentage of time the psychologist spent testing children.

The increased demands for evaluation caused by state timelines, federal reevaluation requirements, growing numbers of referrals, testing to avoid noncompliance, and court-ordered retesting (in some sites) meant that, overall, more time was spent by psychologists on assessment than on counseling or other service delivery activities. As one psychologist told us: "I used to spend half of my time testing and the other half in classrooms working with teachers and kids. Now, with PL 94-142 requirements, I spend close to 90% of my time doing assessments." A director of special education remarked: "Now it takes 16 hours of the psychologist's time to get a kid into special ed programs. Before 94-142, it took one-third of that time."

Although the psychologist may still serve as case manager or staffing chairperson, up to the point of placement, this is becoming less of a rule. However, the psychologist is still dominant in districts with a small special education staff. In these sites psychologists are involved in everything, their authority is highly respected, others depend greatly on them, and their role is so unspecialized that shifts in it are difficult to notice. Extreme examples are found in two small sites where there is no director of special education, and the psychologist assumes this role as well as others. As one director of pupil personnel stated, "He [the psychologist] is a fantastic asset. The district couldn't run without him." In sites such as these, there was and continues to be little differentiation of functions. The person who assumes so many roles can describe time spent in such activities as assisting teachers in writing IEP goals, hiring a psychometrist to complete tests, and providing in-service training.

The Principal

We expected that the role of the school principal would change if the principals became more involved in individual education program planning meetings as the representative of the district. We also anticipated that principals might become more involved with the parents of children in special education and that they might assume more responsibility for changing teachers' roles regarding mainstreaming.

In some LEAs principals agreed that, as "representative of the district," they were more involved in the decisions affecting programs and services for handicapped children. Not all LEAs delegated this responsibility to principals, however, even at the elementary levels. And many principals to whom it was delegated did not feel they had time to play this role; at the high school level especially, they passed on the responsibility to teachers or counselors.

Although school-to-school variation in their role was still the dominant finding, principals generally reported that they were more aware of the district's special education programs and the nature of the classes and handicapped children. Nevertheless, the most noticeable impact to principals is not on what they do, but how much they do. As one principal put it, "Compared to 5 years ago, my duties as a principal have increased by at least 50%. Much of these new responsibilities involve special education . . . meetings with parents, sending out notices . . . organizing mainstreaming."

Regular Teachers

The law's LRE goals would imply that regular classroom teachers assume increased responsibility for teaching handicapped children and have more interaction with teachers and parents of handicapped children. This implied role change caused anxiety among teachers who saw PL 94-142 as a "mainstreaming" law. While there were some increases in mainstreaming, there was not the vast change in the involvement of regular teachers that many had anticipated. The main impression of regular teachers is that they have not been prepared for this change in role. This varies from site to site, depending on the progressiveness of local practice and the traditional attitudes of the staff. In a site where mainstreaming is described as "a new concept . . . it means to be treated as normal as possible," a regular teacher said:

> It seems like we just got enough special education so we didn't have to struggle along with handicapped kids in our classes and now we're supposed to take these kids back in our class. And the special education teacher is supposed to help us work with them. It seems like a lot of trouble, meeting with her, and having her tell you what you can do, when she could do it simpler herself.

More commonly, regular teachers expressed worries about time consumed in helping exceptional children, their own ignorance about how to instruct handicapped children, and the extra work required of them to do it well. We noticed a tendency for those who had handicapped children integrated in their classrooms to be teachers who had prior experience in teaching handicapped children or who had taken special education courses.

Special Education Teachers

In line with the law's goals, the special education teacher's role might also have been expected to change because of interacting with regular teachers and parents to coordinate individual children's programs and services. However, during the 1978-79 school year, when the IEP development process was quite new in some LEAs and required revision in others, the special education teacher's role could better be characterized as trying to maintain these interactions and coordinating activities while taking on more staff meetings and new IEP preparation tasks. This does not necessarily reflect a permanent role change, but it was an initial impact of PL 94-142 implementation.

Emerging Roles

Under the topics of mainstreaming and IEP use, we described personnel who, by filling new roles or expanding old roles, had facilitated progress toward PL 94-142 goals. In nearly half the sites, such roles are in place or emerging. These are

(1) Resource specialists who make individually appropriate amounts of regular and special instruction possible for mildly learning handicapped children through a part-instructional, part-coordinating role.

(2) Systemwide itinerant resource teachers who provide in-service assistance and training to regular teachers, as well as special education teachers.

(3) PL 94-142 coordinators serving teacher consultants at the district level as well as service delivery personnel at the school level. These coordinators from the intermediate education agency are knowledgeable about what is required under federal and state laws and help clarify ambiguities about implementation. A teacher in a district with a coordinator told us: "Even though there is a lot to do under the law, it is a relief--now they have somebody who knows what to do." The PL 94-142 coordinator role is supplemented by teacher consultants. Their role has expanded beyond assistance and support at the classroom level to involvement in various referral decisions, in-service assistance and training, and supervision of IEP development and use.

(4) The master diagnostic-prescriptive teacher whose role includes coordinating individual student programming, from evaluation and curriculum planning to interaction with parents, regular and special education teachers, and principals.

In-Service Training

As the roles and responsibilities of school level personnel change or require change in order for the law's goals to be realized, the importance of training seems obvious. PL 94-142 explicitly recognized this need by requiring each state to develop a comprehensive system of personnel development in which LEAs were to participate. This system is to include in-service training (i.e., any training other than that received by an individual in a full-time program that leads to a degree). The need for training is recognized and all sites but one had in-service training related to PL 94-142 during the past year.

One SEA contracted the state university to conduct a 3-semester in-service training course to acquaint principals, and regular and special teaching personnel in every district within the state, with the philosophy and requirements of the law. Another state in our sample mandates that LEAs spend 10% of their PL 94-142 flow-through funds for personnel development.

As we mentioned, all sites except one had some in-service training related to PL 94-142 during the 1978-79 year. The sole exception is a small rural district that had never had the responsibility of providing special education services before PL 94-142 was implemented (an intermediate unit performed this function). Because of this history, the district administrators' priorities were on hiring staff and starting a program, not on establishing an in-service training program.

In sites where in-service training was available, courses were oriented primarily to special education administrators and special education teachers. In only a few sites, specific orientation or training has been directed to psychologists, regular teachers, principals, or parents. As a result of this training and other formal and informal communications, most special education teachers and administrators are well-informed about the goals of PL 94-142 and state and federal procedural requirements. In general, the in-service training that is provided specifically on PL 94-142 requirements is perceived as "good as far as it goes, but [it] is not enough." What exists consists mainly of factual information about new requirements rather than practical information about how best to apply procedures in individual cases to achieve the goals of the law. One teacher told us, "We've had meetings on the law and the procedures we must follow to be in compliance--but so far no one has mentioned anything practical about how to best meet the goals of the law." The exceptions occur in LEAs where coordinators or others are designated to give direct technical assistance.

In nearly every site we visited, we noted that unmet needs still existed among personnel. An interview with a principal with minimal knowledge of special education illustrated the need for more substantive information:

> We have three special education classes. I don't know what they're called. [Commenting on a list from which he was reading to us] One primary diagnostic--whatever that means--8 kids with part-time aide; one primary neurological impaired class with 7 LD kids; and an intermediate class called EMR--or something--with 10 kids, a teacher, and a part-time aide.

A parent advocate said of another principal:

> Don't assume bad faith on his part, but he probably had to call the central office to find out what to do. It differs from school to school, but in general, principals need more in-service training.

Regular teachers express the need for more useful training in how best to serve handicapped children mainstreamed into regular classrooms. This would include information on knowing when it is appropriate to place a handicapped child in a regular class, determining whether mainstreaming is working or whether the child should be replaced into a special education class, and deciding whether the curriculum should be adjusted individually or made easier for the handicapped student or whether the child should be treated "equally" with those in the regular class. As one regular teacher put it:

> I don't mean to criticize the in-service we've had so far. It's been OK, but it has only scratched the surface of all I need to learn to teach these special education kids. They can't expect me to pick up in an afternoon what special ed teachers spent months learning.

Exceptions to this can be found where some training efforts have focused on either principals or regular teachers, in particular in those LEAs where there are personnel in the "boundary crossing roles" referred to earlier. For example, the system-wide itinerant resource teacher teams are a systematic mechanism for providing in-service training to regular teachers. In another district where some schools have implemented the state special education plan and others have not, the in-service training is notably better in those schools that are using the new plan and thus have a resource specialist.

Other exceptions to the general rule are found in several affluent sites. In one, the teachers' union contract stipulates that, before a handicapped student's placement in a regular classroom, the regular teacher must have in-service training. Another very affluent suburban district (in a state where part of PL 94-142 money is mandated for in-service training) the in-service training for regular teachers focuses on mainstreaming. This LEA's special education programs are generally superior; it has a long history of committing considerable resources to serve handicapped children. Other exceptions include a few sites in

which the special education in-service training has been opened up to regular education teachers and principals and an urban district in which the multidisciplinary approach adopted by the district demands heavy involvement of principals.

In general, attendance at in-service training sessions by regular education teachers and principals is voluntary rather than compulsory. In one site a general orientation to PL 94-142 was mandatory, while more substantive sessions were voluntary. As a result, we have seen several instances in which very few teachers received training. One principal commented: "There were several opportunities to learn more, but not too many teachers took advantage of it." In one site, training for teachers involved in mainstreaming is mandatory because of low attendance otherwise. At the request of the teachers' association, an in-service package was offered (on a noncontract day) that dealt with PL 94-142 and "Methods to Help Regular Education Teachers Effectively Deal with Mainstreaming." Only 12 teachers (in a district that serves over 23,000 students) attended the May 1978 session and only two additional teachers signed up for the fall session. In its contract the teachers' association wanted it to be stipulated that, before a handicapped student's placement in a regular classroom, the regular teacher must be offered in-service training; the district agreed to this, with the stipulation that such in-service training be mandatory. (However, teachers were to be paid if the training occurred after school hours.)

Attitudes and Concerns

The dominant reaction of school level staff toward PL 94-142 seems to be a combination of strong endorsement for the law's goals and intent and complaints about coping with the procedural details and workload it has generated.

From our interviews, certain very positive thoughts about the law emerged:

- The law had codified what professionals in the field already knew was good practice. "I'm delighted for PL 94-142 because I've always felt that way"--a special education teacher.
- The law has encouraged school personnel to pay attention to children's individual needs. "I see the children being the winner in the end. We have a lot of paper and detail to get through . . . but when we get where we're going we'll have greater insight into the child's needs"--a school psychologist.

Other virtues attributed to the law by school personnel include increased staff and special education services, increased communication between regular and special education teachers,

mutual exposure of handicapped and nonhandicapped students, and increased acceptance and awareness by parents of their children's special needs.

On the other hand, many staff feel that the total amount of time spent in scheduling and attending meetings, as well as in writing IEPs, is great enough to significantly lessen the time left for instruction and other service delivery. One teacher told us, "IEP time is time I'd rather spend planning for the kids." Another teacher felt that parents would be angry if they knew how much potential teaching time is spent testing, doing paperwork, and scheduling meetings: "I was hired as a teacher, not a record keeper. Requirements of time for testing and record keeping while students are here [at school] are stupendous" (see following story). This study plans to determine if these comments are associated with the beginning years of implementing IEP requirements and if they will change as most IEP activities involve updating rather than initial development.

Many regular education teachers commented on the human costs involved in mainstreaming. They feel that the time spent with handicapped children is at the expense of regular children. One teacher remarked, "I really believe in mainstreaming but . . . the regular students always get the short end of the stick." This is compounded by the feeling of many regular teachers that they do not have the special training required for this specialized job.

Finally, some school level staff express negative feelings about the impact of the law on them personally. These complaints, not heard at all the sites studied, included:

- Resentment by regular teachers of special education teacher salary differentials.
- Special educators' feelings of being overwhelmed or overburdened by their duties.
- Feelings of resentment about the way in which standardized forms and required procedures encroach upon the personal discretion that they like to bring to their professional duties.
- Resentment that the law encourages parents to tell teachers and other specialists how they should be doing their jobs. As one administrator said, "It feels like now we're always cast as the bad guy."

WHAT PAPERWORK BURDEN?*

The intermediate education agency (IEA) covering the entire metropolitan area had the task of implementing the new requirements for parent notification and consent, multidisciplinary evaluation, and IEPs. To replace old procedures with those meeting federal and state regulations and rulings from a recent court decision, they had to develop a set of standard forms for school staffs to use. Guidelines had to be prepared instructing staff when and how to use the forms to be sure that practices and procedures would not be inconsistent from school to school. The IEA staff tried to meet other criteria such as protecting the district legally by anticipating parental complaints and by making the new procedures consistent with the recent decentralization of placement decisionmaking.

During the year these new procedures were first implemented, Abe Kinsey, a special education supervisor stated, "I first thought we might be missing kids who deserve services. Now, I'm also worried that somehow the kids might get lost in all the forms before they ever get into special ed services."

To illustrate what he meant, he told us of one student, Steve Miller, who was referred for possible special education by his third grade teacher. The teacher suspected Steve had a learning disability because his reading skills were very scattered and he had great difficulty attending to tasks. This required the teacher to fill out form GA1-AB and submit it to the building principal. He agreed with the referral and decided to proceed with an evaluation, at which point he attached a new form (GA2-CD) to the teacher's referral form and sent them both on to the school psychologist. He sent form H30F, which described the district's special education evaluation process, to Steve's parents, and requested permission to evaluate Steve.

The form requesting permission for testing was signed by the parents and returned to the school. The principal forwarded it to the district psychologist who attached it to the others in Steve's file and then sent notices (MDT-500) to the various members of the school-based evaluation team including the principal, referring teacher, nurse, school counselor, and special education LD teacher. These notices requested their participation in evaluating Steve and specified target dates for the evaluation and placement process. Following the formal

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* This story is a composite based on several interviews in one site.

evaluation and several team meetings held to discuss and document Steve's strengths, weaknesses, and educational needs, a form (PTM-730) was sent to Mr. and Mrs. Miller requesting their participation in a program planning conference to discuss the need for special education and to develop an IEP for Steve.

After this conference, which the Millers both attended, all the participants signed Steve's IEP, which documented his needs and recommended services for him. It was then sent to the local district office where available placement options were matched with Steve's individual needs.

Mr. Kinsey stopped his story at this juncture, but he had made the point that a lot of paperwork and personal interaction go into determining the special education needs and program for each student. He acknowledged that such systematic procedures are necessary, but clearly saw the burden involved in changing to new procedures. He remarked, "I guess it's going to get easier, but right now I find a great deal of time being taken up with all the forms."

Summary

- A major impact of PL 94-142 on service-delivery staff in the 1978-79 school year was new tasks and duties added to current work loads to comply with guidelines and requirements--especially those surrounding the IEP. Teachers resent the extra time spent on coordination, planning, meetings, and paperwork that decreases the time they devote to delivery of services to children.
- Special education staff almost universally believe in individualized programming and mutual exposure of handicapped and nonhandicapped children, but often do not see any relationship between these goals and the required procedural changes.
- Typically, questions about LRE are equated with "mainstreaming" which is, in turn, equated with moving handicapped children from a completely self-contained classroom to a regular classroom setting for part (e.g., for art class and recess) or all of the day.
- Most of the mainstreaming practices have not been significantly altered by the passage of PL 94-142 and instead the federal law supports existing trends toward mainstreaming. State funding regulations and court-ordered deinstitutionalization plans have also added impetus to mainstreaming.
- Mainstreaming can be helped significantly by:
  - A supportive principal.
  - A good working relationship between the regular and special education teachers.
  - Aides and assistants to support regular teachers.
  - Boundary-crossing personnel and personnel who work with both regular and special education teachers to ensure a coordinated program for individual children.
- All LEAs have written IEPs, but there is no consistent pattern of usage (e.g., as lesson plans, as documents to file for compliance purposes, as case management devices). Opinions among teachers regarding IEPs vary widely but, by and large, the use to which IEPs are put is decided by individual teachers rather than being a part of a systematic program developed by the LEAs.
- For the intent of PL 94-142 to be met there should be considerable "role changing" on the part of the following:
  - Psychologists
  - School principals

- Regular teachers
- Special education teachers

Significant changes in role were observed only for the psychologists. The already ongoing trends toward educational assessments of children and multidisciplinary decisionmaking in special education were reinforced by PL 94-142 requirements for protection in evaluation.

- Some orientation briefings on PL 94-142 or in-service training on its procedural requirements were offered in all 22 LEAs we studied. These were offered primarily to special education administrative and teaching staff. Regular school administrators and regular classroom teachers received little orientation or training. All groups expressed the need for more preparation to meet the expectations of their roles under the new law, but staff prefer in-service training and technical assistance geared to specific problems and their practical needs.

VII IMPLEMENTATION AT THE DISTRICT LEVEL

The preceding chapter presented findings concerning the impact of the law on school level activities and personnel. In contrast, this chapter focuses on the district level where the activity has had two main thrusts: to ensure procedural compliance at the service delivery level, and to make significant changes at the district's administrative level. To implement the law's requirements at the service delivery level, LEAs have made procedural changes regarding the identification, evaluation, and placement of children. To meet new responsibilities at the administrative level, changes are required to serve a greater range of ages and handicapping conditions in the school population by ensuring the availability of special education and all necessary related services at no cost to parents. LEA policy and procedures must also change so that parents may effectively serve as advocates for their children and may, if they desire, file a complaint against the schools and obtain a hearing on what they consider appropriate services for their children.

This chapter describes how the special education administration is dealing with three major challenges. The first section of this chapter tells how LEAs are responding to the requirement that they increase the scope and comprehensiveness of the services they provide. The second section continues this description in terms of LEAs' attempts to play the role of coordinator of related services provided by other agencies. The third section presents our findings on LEAs' dispute resolution activities, including informal activities as well as formal due process hearings.

A common theme running throughout these topics is the extent to which district level implementation of the law is constrained and compromised by insufficient resources. The expansion of services is proceeding one small step at a time instead of having achieved the full-service mandate of the law on schedule. Effective coordination with other agencies is hampered by the fact that LEAs do not have the requisite clout to play the role presently left to them by default. Also, LEAs are forced by insufficient resources to approach due process hearings with the goal of "holding the line."

Changes in Services Provided

Perhaps one of the most visible impacts of the new law is its effect on the scope of services provided. In addition to requiring appropriate services for all handicapped children, the law places a particular priority on furnishing services for those

children who have not been receiving any services, the unserved, and on those who have been receiving inadequate services, the underserved.

Although our study did not analyze the costs or financing of special education and, thus, cannot make specific attributions to the law, every district we visited in the 1978-1979 school year either increased its existing services or expanded its options by adding a new program.* In this section we discuss what kinds of expansion in services and programs took place and we also examine how school districts assigned priorities and made discretionary decisions about what groups would receive the benefits.

In about half the sites, existing services were expanded. For example, one small rural district that had had a somewhat limited special education program has added two special education teachers, a full-time and a part-time psychologist and a part-time supervisor, since the spring of 1978. Several sites have expanded or refined vocational education programs for secondary level handicapped students, a group traditionally underserved if not unserved. For instance, one district began working with a state university and the state department of vocational rehabilitation to provide a new system that integrates the academic, vocational, and physical abilities of students to prepare them for employment. Under this system, simulated work activities are provided to assess and determine individual vocational skill potentials. Students are provided the option of applying for the regular vocational program, cooperative training (vocational rehabilitation), or single-skill development after they consult with the vocational evaluator, the guidance counselors, and the special education teacher. A student may be referred to a sheltered workshop for training, work conditioning, work tolerance improvement, and work adjustment. The role of the special education teacher in the program is to teach reading and mathematics and any manipulative skills needed for a specific field.

In those districts that did not expand existing services, new types of services were introduced; they ranged from programs for previously unserved preschool children to the introduction of new roles such as resource specialist. For example, one district introduced a program for severely handicapped children aged 3 to 5 years. This is the district's first preschool program for handicapped children and is being conducted in a large room in a local public school. Another site had never served visually impaired or emotionally disturbed children and has recently initiated programs for both groups. Another district had not served

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* One district already offering a large number of services did not increase them; significantly, however, they were not decreased which, relative to declining regular education services, was interpreted locally as a sign of support for special education.

(or had placed outside the district) children with visual or hearing impairments. This district just introduced its own program for these children. In addition, two sites have initiated new LD programs for high school students who were not previously receiving such services.

One of the anticipated effects of the law was that it would increase the age span of the children to which LEAs offered services and, thus, preschool and postsecondary children would benefit. To the extent that additional groups of children now receive more services and have entered new or expanded programs, the law has had the desired effect--at least within certain limits.

Approximately half the districts were already providing services to young children, but recently, two-thirds of them increased the number of programs and services to accommodate additional preschool-aged children. Only one district has extended services to postsecondary youth, but it appears to be more a result of a state plan begun several years ago to phase in an expansion of high school services. In another state the community college districts had jurisdiction of the 12- to 21-year-old population and they had developed more appropriate programs for handicapped youth. Several other sites allow students to remain in school until they are 21 if they cannot graduate or are still benefiting from existing services.

We also looked at services being provided secondary school students, who have traditionally been underserved, and found that seven sites either expanded or refined existing programs or instituted new program options. We previously mentioned two districts that are providing programs for high school LD students for the first time. Another district began using a resource specialist at the secondary level, also for the first time. Perhaps the most dramatic change in the services for adolescents occurred in a wealthy suburban site that began serving emotionally and behaviorally disturbed adolescent students previously served only in private day or residential placements. The director of special education has developed five new options for these students. They range from on-campus learning centers (in lieu of self-contained classrooms) to day and residential programs in homes for small groups of boys and girls.

The first of the federal flow-through funds undoubtedly contributed to these program expansions and new program options; this was indicated by our review of LEA applications. PL 94-142 money was spent for classroom aides, teachers for the visually impaired and behaviorally disordered, adaptive physical education, summer schooling, physical and other kinds of therapy, homebound services, and contracts for transportation services. In addition to using them to expand or increase services, LEAs chose to spend some PL 94-142 funds on the implementation and change process itself. PL 94-142 funds were used to promote the new boundary crossing roles that foster achievement of LRE and

IEP goals (Chapter VI); this includes support for a number of staff members such as mainstreaming coordinators, IEP coordinators, diagnostic-prescriptive teachers and, especially, resource teachers. Also, these funds were used to pay secretaries and clerks, to provide release time for teachers to write IEPs, and to pay for some administrative expenses (e.g., project audits).

Yet what is most noteworthy is that, even with federal flow-through funds, no district was able to simultaneously extend new services to both younger children and secondary school students. While programs and services were added and expanded, resource limitations eliminated the possibility of LEA administrators providing programs across-the-board; rather, the districts were forced to decide on and assign priorities among their special education groups. Rather than being able to ensure FAPE to all handicapped children immediately, LEAs are in the position of having to choose from among those very groups of children that the law has decreed they should serve.

When we could, we tried to uncover the reasons why districts chose to extend or expand services to one group rather than another. We found that each site had a different reason for choosing its priority. In most cases, secondary programs were expanded when preschool programs already existed in sufficient number, when there was particular pressure for a certain group of high school students, or when kindergarten was not required by and preschool not provided for under state law. The decision to expand preschool services, on the other hand, was made when there existed a strong belief in early detection and prevention, when special monies (e.g., preschool incentive grants) were made available, when LEAs were asked to fund existing preschool programs previously sponsored by other groups (e.g., the local association for retarded citizens or cerebral palsy association), or when there was a highly visible need (as in the case of the district with several severely handicapped 3- to 5-year-olds).

In summary, LEAs moved to expand programs and open up the system for additional beneficiaries. Some also used their limited resources to change their special education system. While some of the resources for this came from the federal government under PL 94-142, no LEAs had sufficient resources to guarantee FAPE to all handicapped children from 3 to 21 years of age.

Coordination with Other Agencies

PL 94-142 requires that LEAs assume responsibility for ensuring that special education and related services are made available at public expense to all eligible children in their jurisdiction. Implementation of this mandate requires district administrators to reassess and renegotiate their relationships with other agencies that provide education-related services.

For many years, LEAs have had agreements, formal and informal, with agencies that provide such services: private schools, clinics, residential institutions, charitable organizations, welfare agencies, developmental disabilities organizations, and rehabilitation and mental health agencies. These agreements were made to secure some form of educational and related services for special education groups.

While these agreements to coordinate services exist, in reality they work well only when the educational agency contracts directly with a vendor for a particular service (e.g., a clinic, a private speech pathologist) or when an individual in the LEA has a direct relationship with someone in the other agency. In investigating how LEAs relate to other agencies, we found that, with or without a formal agreement, coordination generally means personal contact:

> If I called up the guy at the rehab agency and told him I've got a boy graduating who's great at sorting, he'd be delighted, because the local cosmetics-packaging plant is hounding him for more help.
>
> I know someone at Crippled Children's that'll try to find a place for a particular child.

Now, due to a new level of responsibility laid on the public schools by PL 94-142, LEAs need to make sometimes-dramatic changes in these arrangements (see the story on the following insert). Where before progressive administrators saw to it that the children who came to their attention as needing services not routinely available in the district itself received some services, now education agencies must have a network of service providers that will ensure that a total range of special education and related services is available and that services are delivered without cost to parents. Without such coordination, LEAs cannot ensure FAPE.

Staff time and other resources need to be devoted to fulfilling the administrative demands. Where there are quite a few children needing services from private or other public agencies, it takes much time to establish and maintain satisfactory links with those other agencies so that each handicapped child can be served. Except in rural or small sites where coordination involves only a few children, personal contact is acknowledged to be an unsatisfactory basis for ongoing coordination. At least one LEA in our study had committed financial resources to appointing a specific person to coordinate the individual agencies. This was a person who attempted to "cross boundaries" from one agency to another, although the other agencies' representatives still perceived her as representing the interests primarily of the education agency.

Administrators in larger sites describe how difficult and time-consuming it is to deal separately with each agency and how

one must deal with the priorities of each agency in order to get the services for school-referred children. A special education administrator told us:

> In regard to interagency coordination there is a willingness to work together, but I can't say at this point in time that we actually have satisfactory coordination. For example, Mental Health/Mental Retardation which provides most of our support services has outpatient treatment on a first come-first serve basis and we would like to set that up on a priority basis for our kids, but we can't do it.

LEAs have no jurisdictional authority to press their cases with these autonomous agencies. If the interagency relationships are cumbersome, the incentives increase for using the LEA staff and available funds to provide services under the auspices of the public schools, instead of attempting to monitor other agencies. And special education administrators within these LEAs rarely have the control of funds to exert leverage over other agencies or to decide that special education staff will provide services not previously provided by the school system.

The earlier quotation regarding the mental health agency illustrates another financial problem. The Mental Health/Mental Retardation (MH/MR) fees are based on a sliding scale. If a service is recommended on an IEP and the LEA is supposed to ensure that this service is delivered at no cost to the handicapped child's parents, the special education administrator must provide the funds to pay for the difference in the MH/MR fee for each individual child. Either that or the administrator must attempt to get MH/ MR to make an exception and pay all costs. Asking other organizations to perform these services for all individuals referred by the schools is not easy: in some sites other agencies were also facing resource problems and were looking to the education agency as a way of decreasing their financial burdens. In any case, special education administrators in some LEAs were quite concerned that mental health services were not free to parents. In other LEAs administrators were not concerned, either because they did not consider this an education-related service or because they did not take the "no cost to parents" mandate too literally.

PL 94-142 has had an especially significant impact on the relationship of public schools and private day, and in some places, residential schools. Depending to some extent on what state reimbursements are, local public school systems are now less willing to place handicapped children in private schools or have them remain in private placements when there are appropriate placements in the public schools. In times of declining enrollment, reductions in local tax revenues, and generally decreasing resources, school systems are understandably reluctant to increase their financial obligations.

THE RURAL COMMUNITY OF MERRIVALE IS IN A "WHY ME, LORD?" SITUATION

After the passage of PL 94-142, a small number of parents of the 400 school-aged children who are residents of a state mental facility have claimed the facility lacks adequate educational programming for their children, many of whom are severely handicapped. The facility, Bonwit, is run by the state's Mental Health Administration, but is within the town limits of Merrivale, a small rural community. To press their case, these parents have threatened to enroll Bonwit's eligible children, en masse, in Merrivale's public schools.

Merrivale, as part of the Mulford County Cooperative for Special Education (a consortium of six rural school districts) is already providing services to TMRs and high-risk preschoolers in the Cooperative's newest school building. Merrivale provides services directly to children with mild mental retardation, specific learning disabilities, and most speech and language problems. The Bonwit situation, therefore, has posed a dilemma for Merrivale and the Cooperative. They are committed to providing a free appropriate public education for 3 to 21 year-olds in their jurisdiction and also feel that the educational opportunities at the Bonwit facility are inadequate, but they fully realize that the Cooperative is financially unable to assume the costs of educating a severely handicapped population that is more than twice the size of the one it currently serves. The issue is one of responsibility: Are these children at the Bonwit facility within the jurisdiction of the Merrivale Public Schools, of their own home districts, or of the state?

Attempts to Resolve the Issue

The director of special education for the Cooperative, Don Eastwood, has made frequent appeals to the SEA to decide who is responsible for the Bonwit children. As the SEA, the mental health agency, and the Cooperative all acknowledge, the only practical solution is to have staff under the auspices of the Cooperative provide the services. Eastwood, a good administrator who has been successful in obtaining project grants, has always taken a cautious approach to program innovations that might commit the Cooperative to long-term future costs. His proposed solution to the Bonwit situation reflected this: Merrivale should agree that the Bonwit children are within its jurisdiction, and the SEA should reimburse the town for all the costs of assuming this responsiblity.

At the state level, Eastwood and personnel from the SEA and the Department of Mental Health tried to determine if the state

legislature would allocate the estimated $2 million it would cost to reimburse Merrivale under this plan. In Merrivale, Eastwood called a public hearing and invited state agency officials to attend. While some townspeople expressed apprehension about "all those mentally handicapped people" invading their schools, most were sympathetic to the plight of the Bonwit children, realizing that, without their support, the children would be deprived of necessary services. The greatest obstacle to the plan's acceptance was financial. Still smarting from the state's reneging on an earlier promise to deliver educational matching funds to their district, citizens were very reluctant to believe that the state would now provide an additional $2 million in support funds.

A Tentative Solution

Acting for the Cooperative, Eastwood worked out a compromise, tentative solution in which Merrivale is serving some of the Bonwit children. Under a pilot project, 25 Bonwit youngsters are served in an educational day program at the Cooperative's TMR facility; the SEA is paying the bill for extra staff through a project grant.

Unfortunately, the legislature, instead of allocating money to the mental health agency who could channel it to the Cooperative, has required that each Bonwit child's home district pay tuition. This would be a perfectly acceptable solution as far as Eastwood and Merrivale are concerned, except that Eastwood does not feel he should be put in the position of a bill collector. The SEA proposes that he be assigned to recover these monies from districts throughout the state.

The state's poor track record in providing good educational services to institutionalized children as well as its financial buck passing has put the Cooperative and Merrivale in a tight bind: children on their doorstep and the possibility of no money to pay for their appropriate education.

Eastwood does expect the situation to improve. The decision in a recent class action suit against the state required large institutions such as Bonwit to reduce the overall handicapped population by developing less restrictive placement and programming alternatives. Meanwhile, Eastwood is standing between the Cooperative, Merrivale, and an enormous expenditure. Next year he expects to help the SEA pressure the legislature and the Department of Mental Health for a more permanent and definitive resolution of the issue.

What LEAs have found in their attempts at coordination is that other agencies have their own priorities--meeting the demands of their own clients, responding to political pressures and working under financial constraints--that dictate their policies. Without more jurisdictional or financial influence, LEAs cannot persuade these other organizations to help in carrying out PL 94-142's mandate. As one administrator complained to a state agency:

> Present law does not provide enough money to pay for all of these individual educational program services. Present law also forbids local education agency administrators from spending money not appropriated to the agencies they manage. In other words, present law requires local education agency administrators to disobey one of these laws or the other.

Dispute Resolution Activities

Under PL 94-142, LEAs have a new responsibility to provide parents (or guardians) of handicapped children with an opportunity for filing complaints, an impartial due process hearing, and the right of appeal. Although all sites appeared to have complaint, hearing, and appeal procedures in place, only 11 had any experience with due process hearings, and only 7 of the 11 had had more than one hearing as of May 1979. Some LEAs have also instituted formal mechanisms to resolve disputes that arise between parents and the schools before the due process hearing stage. In this section, we discuss the issues that are involved in disputes between parents and schools, as well as how these disputes are resolved.

Specific Issues

There are a large number of topics about which parents can and do disagree. These include parental requests for more specificity in the services designated on the IEP than the schools are willing to give, parental concerns about schools' waiting lists, inappropriate evaluation procedures, and how much mainstreaming is appropriate. The issues that most frequently reach the due process hearing stage, however, are private school placement and related services.

The private school issue arises most often when parents request that their child continue in a private placement that was made before the implementation of PL 94-142 when schools did not have a program to serve the child. Parents request tuition reimbursement by the public schools. The LEAs, which now have the entire financial responsibility for services to children they place, feel that they can now offer an appropriate placement for

the child in a public school program. They feel it is inequitable to others to pay for this one child's private school tuition when they can offer an appropriate program less expensively.

This issue is argued in terms of the child's needs. Essentially, parents take the position that the program in the private school is demonstrably better at meeting their child's unique needs than the program offered by the public schools. If the child is progressing, parents do not want a change to a new situation in which the child might experience a setback. The schools generally take the position that their own program meets the child's unique needs well enough to satisfy the requirements of the law, and argue that the regular school is a less restrictive placement than a separate school.

Underlying the private school issue is a fundamental conflict of interests stemming from each side's primary responsibilities. Parents want the best services they can get for their child.* Private schools often appear more attractive to parents because they can frequently afford smaller staff-to-pupil ratios and a larger variety of "extras." The public schools, on the other hand, have limited financial resources that must be used to serve everyone. This requires limiting expenditures when possible--not by denying needed services, but also not by purchasing the most for each child. That parents should ask for the most and the best for their children while schools can usually afford the minimum, not the maximum, is at the root of the disagreement.

Though it is the parents who usually file for hearings, it should be noted that the disagreements over private placement are not always initiated by the parents. Often the public schools, because of financial pressures, have forced the issue of children continuing in a private-school setting at public expense. For example, one district administrator took an active role in raising the issue for every child within her jurisdiction who was receiving public funds for private schooling. She had an evaluation team reevaluate private school students in an attempt to bring back those for whom she felt the public school had appropriate programs.

In addition, private schools and their representatives sometimes push the public schools to pay for their services. This occurred in one district in which a large number of due process hearings resulted from an LEA-initiated action. Several years ago the LEA placed a number of handicapped students in private schools in order to demonstrate to the SEA that it needed

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* We are assuming here, as the law does, that parents are acting strictly as advocates for their own children. Some parents, overburdened by the care of a handicapped child and other responsibilities, also seek personal relief.

additional special education funds. When the SEA finally increased the district's program funding (at the time of initial PL 94-142 implementation), the LEA then requested that these children return to the district schools that were now able to provide them with programs costing less than private placements. This shift might have occurred without incident except that the private schools hired a representative who urged the parents to take advantage of due process to keep their children in the private schools at public expense. Private schools are naturally threatened by the potential loss of their clientele.

The second most common area of disagreement between parents and schools is that of the appropriateness of a related service. It is usual for parents to take the position that the public schools should pay for a particular related service (e.g., transportation, occupational therapy, family counseling) because their child requires that service in order to benefit from the special educational services. The schools take the position that the related service in question is not an education-related need and is not necessary for the child to benefit from special education; they argue that it is, therefore, the financial responsibility of the parents or some agency other than the public school.

This issue is also argued in terms of the needs of the child and, like the private school issue, is complicated by definitional problems. The inadequate state of the art makes it difficult for professionals to agree on how necessary a particular related service is. For example, specialists can argue for hours on the need for a child to have physical therapy in order to benefit from his or her educational program. Professionals also disagree on how to determine the amount of service needed. Related to this is the fuzzy boundary between educational and other (e.g., medical) aspects of a child's needs. This boundary issue arises often when occupational therapy or psychotherapeutic counseling is the related service in question.

As is the case with the private school issue, there is a more basic conflict that underlies the debate about the child's needs. Parents, as advocates for their children, feel that their children should have the "best" possible services. Thus, parents and their representatives often interpret the law to mean that schools must pay for whatever services might benefit the child. On the other hand, schools have limited financial resources and, thus, can only afford what is adequate. The schools typically want to establish predictable limits on the kind of needs they will be called upon to fulfill. The difference between "whatever a child could use" and "whatever is our responsibility" is the crux of this underlying dilemma.

In one district, for example, a still unresolved dispute arose between parents and the district involving who should pay for counseling services. The child was attending a special education program. Though it was recommended and paid for by the district, the program was housed in the county mental health

facility. The LEA assumed financial responsibility for the academic portion of the program and the mental health agency was responsible for the psychiatric counseling. When the parents learned that they would have to pay for the mental health services, they refused, stating that PL 94-142 requires the LEA to pay for such services. The district argued that psychiatric counseling does not fall under the educational purview of the program and, thus, the district was not financially obligated. The special education administrator argued that mental health is part of the medical, not educational, model and "if the district is to be financially responsible for such services, it could lead to paying for such things as surgery for a cleft palate."

There is a reason why most due process hearings we observed were concerned mainly with private school placements and related services. Issues arising between parents and schools tend to get resolved through formal due process hearings rather than through informal discussions and compromises when administrators are strapped by resource limitations relative to parent demands.

The Nature of Due Process Hearings

While 11 of the study sites had experience with due process hearings, only 7 had more than one hearing before the end of the 1978-79 school year. These 7 districts are all in cities or suburbs with long established programs of special education and related services. The following characterization of fair hearings procedures is based only on the 7 sites with multiple-hearing experience. (For a detailed description of a typical fair hearing, see the illustrative story on the following insert.)

Formality and an adversary atmosphere characterize most hearings, although there is some variation on this theme. One lawyer for an LEA stated that, while hearings are supposed to be an informal way to resolve disputes regarding a handicapped child, they are often very "nasty" and vary widely, both in their legalistic maneuverings and in the competency of the presiding hearing officer.

LEAs with substantial due process activity tend to rely on lawyers to represent them. One director of special education noted that his district had retained an attorney to represent it in all cases after having lost a case several years ago. As he told us, "We've learned our lesson." A hearing officer commented that lawyers lose sight of the educational issues and "ride procedural issues." A hopeful note was sounded by one hearing officer in a large urban site who sees a move away from adversarialism and proceduralism toward a greater focusing on the child's needs. She associated this trend with the increased experience of hearing officers statewide in due process hearings. She sensed that there was a trend on both sides for doing without legal counsel. "It's a healthy change because these hearings are supposed to be informal."

A DUE PROCESS HEARING*

The atmosphere of the Gregory Island District's most recent hearing was tense as the various participants entered the room and seated themselves at the conference table in the district offices. The hearing officer, a special education administrator from another district, sat at one end of the conference table. The two parties (LEA and parents) were seated opposite one another. The director of special education was accompanied by the district's attorney and a psychologist who was associated with the district. The parents were not represented by an attorney, but they had brought a private psychiatrist to present their case.

Although the hearing officer would attempt to conduct the hearing in a fair, impartial and orderly fashion, both parties sensed that they were adversaries. The attorney later said of this hearing, ". . . I'm in the field doing battle . . . in the trenches as a result of the private school placement issue."

The hearing officer formally opened the hearing by setting the ground rules--explaining that his role was to establish the issues, allow for the introduction of evidence which is relevant to those issues, and to derive conclusions therefrom. He read the parents' rights and reminded the parties that the rules of evidence did not apply to this hearing process.

Having set the tone, the hearing officer turned to the parents and asked them to briefly state the nature of their complaint against the district. The psychiatrist summarized the case of the child who has emotional problems as well as specific learning disabilities, and who is in a private day school where his needs are being appropriately met. The parents do not feel that the public schools have an appropriate program, nor do they believe the child, who is progressing, should have to experience a change in placement. Thus, the parents feel that the private school tuition should by paid by the LEA. The entire burden of proof was immediately on the LEA to present evidence that the special education needs of the child had been appropriately identified and that the services recommended by Gregory Island to meet these needs were adequate, appropriate and available. At this point, the hearing officer indicated to both parties that he would base his conclusions in the case on the district's ability to demonstrate these very points.

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* This case is a composite of similar cases within a single school district. It is similar in procedure and in personal reactions of participants to the majority of those described to us.

Then the Gregory Island attorney presented evidence for the district. This attorney, perhaps atypical because of his thorough knowledge of school law, focused on the facts concerning the district's case. the attorney thus set a legalistic tone, but did not bring up procedural missteps on the part of the parents or tangential matters. The district had always taken its attorney to hearings as the "ultimate authority" in any case. Because the director of special education and the psychologist were not confident that most hearing officers knew the law, they had become very knowledgeable about PL 94-142 and Section 504 and about the state rules and regulations, and thought of themselves as "junior attorneys."

Following the attorney's presentation of evidence, the hearing officer and the parents' psychiatrist cross-examined the district representatives. In this case the Gregory Island attorney did not cross-examine the parents. When all the evidence had been presented, the hearing officer summed up the hearing and told both parties what the process would be for informing them of his decision within the 10-day timeline specified by state rules and regulations. The hearing concluded in an adversarial atmosphere.

The hearing officer's written decision, sent to both parents and the LEA, upheld the school district's position. However, the district director of special education did not view the district's success with much elation. She saw the hearing as a waste of resources (e.g., cost and personnel time) for the Gregory Island district, but also saw it as " . . . terribly painful for parents." She commented that the process seemed like " . . . 6 hours of cross-examination with the assumption that the schools have done wrong by the kid." The atmosphere was adversarial and " . . . very early on, it became a power struggle." The director's view was that about half of the hearing consisted of arguing back and forth about the district's compliance with federal and state regulations. She felt that addressing the child's educational needs as an issue was difficult. Given the adversarial situation, " . . . the kid got lost in the process."

The hearing officer's view was that, although the hearing's tone may have been legalistic and adversarial, the focus of the hearing remained the substantive issue in the case: "Procedural or legalistic points may have been noted for the record. In my decision, however, the needs of the child were addressed."

In one state, all of the hearing officers are attorneys. In other sites, special education administrators from other districts in the state serve as hearing officers. Attitudes regarding the fairness of hearings varied among districts. Because most LEAs are "winning" the decisions, LEA administrators tend to describe hearings as fair. One hearing officer noted that he felt parents would characterize hearings as fair about 50% of the time. As he stated: "The purpose of PL 94-142 is not to make everyone happy." Overall, most parties would agree that some other means of dispute resolution (e.g., formal mediation) would be preferable.

We found no evidence that due process hearing decisions per se produce systematic or programmatic changes in LEA policy.* Instead, the most typical response to hearings seems to be greater attention to meeting timelines and complying with specific procedures. One reason why hearing decisions have had little effect on the range of offered programs is that many decisions have upheld the LEAs' cases (which are that they could indeed provide an appropriate program). Thus, both appropriateness and the borders of LEA responsibility are being decided on a case-by-case basis as to what the public school system offers.

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* We are aware that court rulings or consent decrees based on class action suits in several of the states in our sample have had a great effect on district policy and programs. (PARC in Pennsylvania; Larry P. vs Riles in California; Rainey vs the Tennessee Department of Education; Mattie T. vs Holladay in Mississippi.) In response to a contempt suit against Philadelphia's board of education for noncompliance with a multidisciplinary approach to evaluation and placement of exceptional children, administrators developed and are implementing a new evaluation and placement process model. In another state (Tennessee) a 1974 court order resulting from a class action suit bound the SEA to provide appropriate services to children by 1975 and made waiting lists illegal. In recent years several contempt actions have been filed against the SEA, and we expect to see further effects of the court's decisions.

  In California, advocate groups convinced the state education agency to differentiate due process issues from school system compliance issues in its state regulations. The advocates felt that it should not be encumbent on individual parents to effect programming changes in the district by filing individual due process complaints. Thus, complaints of LEA failure to provide FAPE to children generally may now be filed with the SEA in an attempt to get districts to change policy or programs.

There appears to be little informal sharing of information among hearing officers, at least to the extent that it affects their decisions in a particular case. A hearing officer who heard a case in a district we visited mentioned that there is a formal meeting once a year where hearing officers discuss due process issues, procedures, and policy. They also review decisions rendered in previous cases. Two hearing officers we interviewed in another state indicated that they do not have much communication with other hearing officers in the state. They expressed concern that they do not have a uniform framework for deciding cases. They have asked the SEA for copies of other decisions within the state, but have not received much response. An SEA spokesperson acknowledged that the state department currently has no capability to summarize these decisions and provide feedback to hearing officers across the state. Such a dissemination network, however, is in the planning stage.

Factors Influencing Dispute Resolution

There are many factors that influence whether a dispute will reach the hearing stage or be resolved earlier through less formal means. As discussed earlier, the major factor is the nature of the disagreement; i.e., those issues that tend to go to hearings are those in which the LEAs' finances cannot meet parental demands. Other factors include the historical parent-school relationships in the community, the presence of various actors (advocate groups, interested third parties, attorneys), the availability of mediation, and the capacity and the desire of the particular individuals involved to avoid hearings and use informal dispute resolution procedures.

As described earlier, the historical parent-school relationships in the sites we studied varied tremendously. In some sites parents have generally gone along with the schools and not actively participated in decisionmaking concerning their children. In others there is a history of litigation. These historical relationships obviously have a great deal of impact on where disputes are resolved.

In districts with parent advocates or advocate groups, these groups can influence whether or not a dispute is resolved without a hearing. Some advocates force confrontations between parents and schools. In one urban site, several parent advocate groups distrust the schools and believe a due process hearing is the only way to obtain needed services. This is an extreme case where advocates are encouraging parents to file complaints and go through the hearing process more as a way of influencing the school system than as a way of filling the individual child's needs. However, most advocacy groups would rather work with the schools and parents in a nonadversarial way to resolve disputes before a hearing is necessary. In fact, in one district the advocacy group is careful to avoid cases that reach the hearing stage because it fears that involvement in such cases would

undermine its ability to communicate effectively with the schools. In another district, a local association for retarded citizens has been active in assisting both parents and schools to resolve issues informally, thus helping to avert due process hearings. The organization helps parents find appropriate placements for their children, usually by talking directly but informally to the district special education director.

Other factors that can influence at what stage issues are resolved are third parties who represent a particular interest group. One school district's attorney was reflecting on several due process hearings that dealt with parent demands for private placements. He characterized the "business" of private residential placements as being run by " ... two or three enterprising private psychiatrists who see the promise of guaranteed money if they play the role of advocates for parents." In another district, a representative of the state private school association is viewed by a local attorney as "preying" on parents. She views the representative's urging parents to file for hearings as unsavory: "It offends me as a taxpayer to see a set of parents being used."

Yet another factor that influences the course of informal dispute resolution is the role that may be played by attorneys for either party. For example, in one large district, the parents of a child with a language disorder felt that their success in placing their child was the result of having an attorney. At the initial placement meeting the parents were told that their child was on a waitlist. On the advice of a supportive district administrator, the parents retained an attorney who, after several unsuccessful meetings with district administrators, requested a due process hearing on the basis of denied entrance to a special education program. In subsequent informal negotiations with the district, the child was placed in a class at a private speech and hearing clinic in the child's home district.

One suburban district office has retained an attorney who they feel has been very effective in advising them about informal dispute resolution strategies and other legal issues concerning accountability and liability. Procedures have been systematized over the last few years and, as a result, the administrators in this district do not feel threatened by the prospect of potential hearings. This is in stark contrast to another district office that is surprisingly unwilling to hire an attorney even after losing hearing after hearing because of procedural technicalities.

The availability of mediation as a prior alternative may also influence whether or not a disagreement between parents and schools reaches a formal hearing. Although none of the states in our sample have adopted formal mediation procedures per se, two (out of nine) require LEAs to use techniques that resemble such procedures. In one, the state due process regulations require an "informal mediation review" as part of the LEA's due process

sequence. However, in the two districts we visited in this state, there was little evidence that issues were resolved in this way. In fact, among our sample districts these two were among those having the highest number of hearings. A state level officer in another state, however, has been quite successful in resolving numerous complaints. After a parent has filed a request for a hearing and exhausted resolution procedures at the district level, this state officer holds a meeting designed to facilitate communication between the parent and the district. These meetings have averted 90% of the potential due process hearings in the state. From these two examples, of course, it is clear that the mere existence of a mediation alternative is not sufficient to decrease the number of disputes that go to hearings.

The final factor that can influence the course of dispute resolution is the skill of the special education administrator and whether he or she desires to avoid hearings and resolve disputes informally. For example, if there is one primary administrative decisionmaker in special education who has established rapport with parents and developed trust, most issues will be resolved informally. In one district the personal efforts of the special education director to resolve conflicts at an early stage have proved to be an effective dispute resolution strategy. If parents encounter a problem, they feel comfortable calling the director, whose reputation for fairness is widespread. The director's approach is to go along with parental requests whenever reasonable. As a result, one parent said, "If what you want is feasible, they make an effort to give it to you." There have been no hearings in this district.

In general, most school district administrators desire to find some way of accommodating parental demands without resorting to due process hearings. In most instances, the special education administration avoids hearings because of a genuine desire to please parents and to provide the best services that are available. But avoiding hearings is viewed as necessary for other reasons as well:

- The total cost in terms of time, fees, and inconvenience would be greater than the cost of providing the service in question.
- Adverse publicity will result for the district.

In one large urban district, hearings draw considerable media attention, which the district administration finds threatening. As a hearing officer commented: "There is great concern that a district can be made to look bad; there is a real threat of bad press in this state."

- Losing a hearing may set a dangerous precedent.

For example, in one large urban district which has a plethora of parent advocacy groups and a history of due process activity, administrators are concerned that if a hearing results in

parents' getting a particular service for their child, everyone will demand the service. Several parents stated that they were told "off the record" that they would get the services they wanted if they would stop pressing for a hearing: "If you don't do due process and just be quiet, we'll give you what you want."

- Being taken to a hearing will be perceived as poor administration.

More specifically, some administrators are afraid of losing political support and are quite conscious that the school board feels concern about the potential for "backlash" from parents of children who are not receiving special education services. The special education administrators we mentioned expressed fear that they would become persona non grata with the assistant superintendent if they were brought to hearings by parents.

Not all administrators eschew due process, however. Special education administrators occasionally want hearings to be held. They believe that a hearing is the only way an issue can be firmly resolved or that it is the way to pressure the SEA for clarification of an issue. For example, one urban district that has won all its cases is happy to have parents file for hearings. The director of special education feels that hearings will make the SEA more responsive and more aware of the local burden. In one instance the director of special education in a rural district noted that he had threatened to initiate a due process hearing so that the parents of a handicapped boy would consent to the special education and related services that were clearly indicated by his evaluation. As a result, the parents agreed to the district's recommendation. The director felt this represented a recent shift away from the old attitude of "Why bother?" when parents refused to cooperate, to one of "Taking action." In general, however, districts do not try to initiate hearings when parents fail to support their attempts to evaluate or provide services to children.

Summary

- Every district we visited either increased its existing services to handicapped children or expanded its options by adding a new program.
- A majority of the sites expanded services to preschool-aged children or to secondary level children. However, even with the infusion of federal funds, no district could expand its services to both of these groups simultaneously.
- Coordinating agreements between the districts and other service delivery agencies only work well when the LEA contracts directly with a vendor for the services, or when there is a direct personal relationship between the district personnel and the service agency. When these conditions do not exist, special education administrators realize that they have too little clout to coerce other agencies into meeting LEA priorities and too few resources to provide and pay for services denied by other agencies.
- Dispute resolution procedures are in place in all sites and some sites have mechanisms for resolving disputes before a formal due process hearing takes place.
- Due process hearings generally revolve around two issues: private school placement and related services.
- Due process hearings are characterized as formal, technical, legalistic, and adversarial in nature.
- The major factor influencing whether or not a dispute will reach the due process stage is whether the school district feels it can afford to acquiese to parental demands. Other factors include:
  - The presence of advocacy groups.
  - The availability of mediation.
  - The desire of participants to avoid hearings.
- In general, LEAs are having difficulties in determining the borders of their responsibilities and achieving effective coordination with other service delivery agencies.

PART THREE

SUMMARY AND CONCLUSIONS

This part, comprising Chapter VIII, is divided into two sections. In the first, we summarize the findings covered in the four preceding chapters. Although only 22 LEAs are participating in our study, the variation they represent permits us to generalize about what affects local school systems' responses to the law's requirements and their capacity to meet its mandates. This section summarizes our understanding of how LEAs are adapting to PL 94-142.

The second section of the chapter presents our conclusions about LEA progress in implementing the law, based on this first year of the longitudinal study. We characterize the nature of local implementation to date, relative to the goal of a free appropriate public education, and we identify the barriers to further progress. We then list some implications of these findings and conclusions.

VIII SUMMARY AND CONCLUSIONS

Summary of Findings

Determining Who Gets Into Special Education

LEAs range from those that directly provide only self-contained classes for serving mildly and moderately mentally retarded children, resource rooms for LD children, and itinerant speech therapists for children with communication problems, at one extreme, to LEAs that directly provide a variety of services to children who are severely and profoundly retarded, blind, deaf, orthopedically handicapped, emotionally disturbed, or mildly learning handicapped, at the other extreme. In the most resource-rich sites, such related services as physical therapy and therapeutic counseling are offered directly by school personnel. Local school systems also differ in the state criteria under which they can find children eligible for special education and in the amount of local funds they can apply to purchasing educational and related services from other agencies.

In terms of meeting the federal mandate to seek out and provide for all children within their jurisdiction who are handicapped and in need of special education, staff in all LEAs are heavily influenced by what kinds of programs the LEA provides directly, what the LEA obtains routinely from others, and how many "slots" remain open in these programs to serve additional children. Thus, whether a handicapped child will even be identified as a potential beneficiary is determined to a large extent by the availability of appropriate programs in his school or district and the interpretations of eligibility criteria made by staff in the referral and evaluation processes.

All districts in our study face some program limitations relative to the need or demand for services in their sites, and all have backlogs of children waiting for evaluation, for placement, or both. For this reason, efforts to seek out unserved handicapped children are rarely launched except when a new program option is made available and "caseloads" or classes need to be filled as a result. Also due to the limits on available services, neither setting timelines for evaluation and placement nor hiring extra evaluation personnel can, by itself, solve the problem of backlogs. Unless services can be expanded (e.g., by overloading classes or adding extra program staff), timelines for the evaluation-and-placement process will merely shift the waiting lists back to the referral process.

Indeed, regular classroom teachers, who make most of the initial referrals of children in school, are strongly influenced

by the existence of backlogs to "think twice" about identifying a child as potentially handicapped. We found that school districts have devised screening mechanisms to prevent inappropriate referrals that can act to limit the children identified as mildly handicapped to a number that the local school system can accommodate with current program resources.

Because the regular classroom teacher (who is usually not well-trained to identify handicapping conditions) is aided by other staff in making the referral decision, and because some assessment information about the child has been gathered, the prescreening of referrals can also serve to achieve the law's intent of preventing labeling and erroneous classification of children. The final decision to refer a child for formal evaluation is less dependent on individual staff discretion, when a team of people makes the decision based on information collected for that purpose. The continuing trend of involving a number of professionals and relying on a variety of assessments at the referral stage and in the formal evaluation process is also consistent with the intent of the law to prevent erroneous classification. On the other hand, both prescreening and elaborate evaluation processes involve additional costs in terms of time: the child is "in the process" longer and the staff's involvement is prolonged.

Due to differences in state eligibility guidelines, in local availability of programs, and in staff decisions regarding referral and evaluation, there is a district-to-district variability in who gets identified for special education. As a result of several common patterns, certain groups of children are much less likely than others to be identified:

- Learning disabled students at the high school level.
- Children with emotional problems, but who do not show disruptive behavior. This seems especially the case at intermediate and secondary levels.
- Children who are quiet and well-behaved, who do not bring their problems to the school's attention.
- Children whose parents do not influence the staff to act in their behalf.
- Children who fall between the eligibility criteria for LD and EMR programs.

Determining Appropriate Placements and Services

To meet the law's intent that individual children's needs be matched with appropriate special education and related services in the least restrictive environment, school systems must provide not only a full range of services and a variety of placement options for the given services, but also sufficient openings to permit a choice of programs.

At the present time, however, for the vast majority of students found eligible for special education, the decisions about what services and placements they will receive are essentially determined by what is known to be available. Thus, in spite of the federal regulations requiring that all needed services be written on the IEP, services are not usually recommended for a given child unless they are presently available. The most common area in which this problem exists is related services, e.g., physical therapy, occupational therapy, transportation (except that directly to and from regular instruction). Moreover, since services are tightly linked to the settings in which they are delivered (except for learning disability programs), the placement decision is made automatically once services have been determined, or vice versa. Currently, because a range of placement options for a given service rarely exists, the placement decision seldom entails a separate consideration of the setting's restrictiveness.

Schools are, by and large, meeting the letter of the IEP provisions, including required staff participation and development of the written document. They are also meeting their legal obligations to involve parents in decisions concerning their children. The local school systems we visited have forms and procedures in place for informing parents of their legal rights, notifying parents about actions to be taken regarding their children, and obtaining their signed consent to these actions. LEAs have also established procedures for inviting parents to participate in various phases of the IEP development process and many parents take advantage of these opportunities. Although some sites had various parent consent procedures and individual education planning practices before PL 94-142, the universal conformance to procedural requirements by LEAs in our sample and the increased contact reported by school staff and parents of handicapped children attests to the impact of the federal law.

The fact that procedures are in place does not mean, however, that parental consent is necessarily "informed" nor that parents are making substantive contributions to school decision making. The law assumes that parents can and will act as advocates for their children. For many reasons, this is not always the case. On the school's part, there are also reasons not to involve parents more deeply in making educational decisions. Although the law is unclear as to what is the appropriate role of parents in making decisions jointly with school staff, it is clear that presenting parents with an already complete IEP document or involving them on a pro forma basis--as frequently happens--is not what the law intended.

Any change toward meeting the law's intent can be expected to be gradual because:

(1) Parents of handicapped children traditionally have not questioned the school's authority to make service or placement decisions and, initially, parents do not have information about the schools' special education services.

(2) There are limits to the time and effort that school staff can devote to informing and involving parents or tailoring their communication to specific neighborhood and parental characteristics.

Levels of parent activeness and satisfaction also vary tremendously from site to site, especially as each community differs with regard to the level of parental expectation of the schools. However, there have been some changes in the traditional parent-school interaction patterns as a result of the emphasis PL 94-142 (and Section 504 of the Rehabilitation Act) places on the right to FAPE and on due process procedures. In sites with active, dissatisfied parents or parent advocacy groups (about half of the sites in our study) parental expectations for services have risen more than the LEAs' ability to provide the services. Disagreements between schools and parents center around the meaning of "appropriateness" and, hence, what is legitimately the school's responsibility to provide for students--particularly in the areas of related services and private school placements.

Impact at the School Level

In the 1978-79 school year, the impact of PL 94-142 on schools was considerable. Service delivery personnel added new tasks and duties to their current loads to comply with new guidelines and requirements--especially those surrounding the IEP. Many resent the extra time spent on coordination, planning, meetings, and paperwork that decreases the time they devote to delivery of services to children. Special education staff almost universally believe in individualized programming and mutual exposure of handicapped and nonhandicapped children, but often do not see any relationship between these goals and the required procedural changes.

Thus, few of the particular role changes (e.g., for regular education teachers and principals) that might be expected to occur as a result of fulfilling the law's intent were observed. In some districts the already existing trend of relying on multidisciplinary participation in evaluation and of using educational assessments further shifted the psychologist's role from being the sole decisionmaker to being a partner on the evaluation/placement decisionmaking team. For the most part, however, immediate impact of the law on staff was that they had more to do and had to do the usual things differently.

Orientation to PL 94-142 and in-service training in procedural requirements was provided in the 1978-79 school year, especially to special education administrative and teaching staff, but the need for more substantive training is evident. Service delivery personnel who take advantage of the usual in-service training courses say that they are generally informative as far as they go but are not immediately relevant or applicable to the practical problems faced in schools or classrooms.

PL 94-142 reinforced the trend toward integrating handicapped and nonhandicapped children for art, music and physical education as well as placing handicapped children in regular classrooms for part or all of their school day. Thus, while LRE was not often consciously considered during the initial placement process, there was considerable activity devoted to mainstreaming children who were already in special education classes. As a rule, mainstreaming and coordinating of services for individual handicapped children generally occur when a special education teacher takes the initiative and solicits the cooperation of another teacher. The amount of this coordination varies from school to school, depending in great part on the support of the principal (or, in high schools, the counselor or school psychologist). Thus, whether a handicapped child will have an opportunity to be educated with nonhandicapped children in the regular classroom and will experience a coordinated set of educational and related services depends on which school and which classroom the child is in. Exceptions to this rule occur in LEAs where there is either a system for coordinating individual programs or a staff that can coordinate or change roles. The roles these boundary-crossers might be expected to fill include reviewing IEP document(s) to make sure that services rendered were needed and prescribed, providing in-service training, and giving detailed and practical assistance to regular and special educators attempting to integrate handicapped and nonhandicapped children. To do this takes time and resources. Some LEAs invested a portion of the time and resources they had this past year to develop such coordinating mechanisms.

LEA-Level Implementation

Special education administrators are striving to meet their new responsibilities by using available resources to increase the number of service options they provide and expand the range of handicapped children they serve. Partly because of the availability of PL 94-142 flow-through funds, some additional services have been added and some beneficiaries who were formerly underserved have been provided with special education programs. However, limits on the resources currently available in LEAs for special education require special education administrators to choose among groups of handicapped children who are to receive needed services and also to choose whether to expand direct services to children or to invest in changing the delivery system (e.g., in-service training, working with parents, coordinating services, revising forms and procedures).

While additional funds are necessary, both to enable special education administrators to conduct the coordination activities with other agencies that are required to provide educational and related services, as well as to pay for related services not previously offered at no cost to parents, increased funds alone would not be sufficient. LEAs do not have the clout to solve jurisdictional problems among agencies regarding which agency

will provide services or which will pay for services. These circumstances make a full continuum of education and related services difficult for the local agencies to plan for or to ensure.

Due process mechanisms, from notification and consent through complaint and fair hearings procedures, are in place. Issues of appropriateness are resolved through hearings procedures, rather than through informal negotiations, primarily when the LEA cannot afford to acquiesce to parental requests. Thus, most hearings have been concerned with parental requests for the LEA to pay for private school placements or for related services that are provided by some other agency. Arguments in the hearings center around the meaning of "appropriateness" but the issue of whether the LEA is required to pay for services, rather than the issue of what is most appropriate for the child, underlies the hearings. Other factors, besides the nature of the issues, influence whether disagreements get to this stage. These include historical parent-school relationships, what incentives to hold a hearing are perceived by the individuals involved, and either the presence of preliminary administrative mechanisms to resolve disputes or attorneys and interested third parties (e.g., representatives of private schools and clinics).

To date, the hearings themselves have generally been adversarial affairs, unpleasant to both LEA staff and parents alike. The boundaries of LEA responsibilities to provide FAPE are being decided on a case-by-case basis in due process hearings. But these decisions appear primarily to affect the individual involved and not to affect LEA programs in a systematic fashion.

In summary, LEAs are able to change the special education mechanisms and procedures over which they have control, but they are having difficulty determining the borders of their legal responsibilities and achieving effective coordination with other service delivery agencies. Above all, they face the challenge of meeting several new responsibilities simultaneously with clearly insufficient resources.

Conclusions About Progress

In the 1978-79 school year LEAs in very different circumstances made substantial progress in implementing PL 94-142. Within local school systems, special educators in particular have been greatly affected by the federal law and related state statutes and requirements. Both school and district level special education staff endorse the goals of the Act and view it as reinforcing the best principles of special education. They have expended tremendous effort in implementing the procedural requirements of the law, particularly those surrounding the IEP process. Thus, forms for parent notification and consent exist in each of our 22 sites. Procedures for notifying parents of their child's identification and obtaining parental consent for evaluation are being followed by school staff. In many of these LEAs, there is

also systematic documentation of attempts to contact parents and to obtain permission for child evaluations. Procedures for obtaining parents' consent to placement and for notifying parents of their rights to file a complaint and to request a due process hearing have been established. IEP meetings are held for every child. Parents are invited to participate, usually in multi-disciplinary staff meetings. While evaluation and placement of children are not always timely, and reevaluation is often left undone, written IEP documents for children receiving special education services exist at all sites. Due process hearing and appeal mechanisms required at the district level have been established, even in the half of the 22 LEAs in our study where they have not yet been used.

Given that the law was passed in 1975, final federal regulations were issued in August 1977, and the FAPE mandate only became effective in late 1978, these findings represent rapid translation of federal requirements into local level action. State statutes, regulations, and funding were being adjusted to federal requirements during the 1978-79 school year, and funds authorized by PL 94-142 were just beginning to flow through to the districts when we conducted our on-site visits. Yet at the local level, forms required to meet the letter of the law were already in place, and policies and procedures developed at state and LEA administrative levels were being carried out by service delivery personnel. Also, partly as a result of the new federal flow-through funds they received during the 1978-79 school year, LEAs expanded their programs and began serving handicapped children previously unserved or inadequately served. From the perspective of observing the early stages of implementation at the local level, progress meets all reasonable expectations.

Nevertheless, LEAs' progress in the 1978-79 school year can be characterized primarily as procedural compliance with and adherence to the letter of the law. While the accomplishments of special educators in the LEAs should not be underestimated, it should be clear that meeting the spirit of the law requires change in more than special education processes. Reforming the procedures within the special education system without changing its relation to the regular education system, including other categorical programs, does not automatically achieve the spirit of the law. Achieving the spirit of the FAPE mandate will not only take more resources, it will require fundamental changes in the relationship between special education and other parts of the educational system, between educators and parents, between the educational system and other service delivery systems (e.g., health, welfare) in our society. Full implementation of the law should be expected to take considerably more time.

The factors that make it possible for LEAs to progress faster or make it difficult for them to progress can be grouped under resources, organizational roles and boundaries and know-how. Thus, to understand how further progress can be made and how the intent of the law can be facilitated at the local level, we discuss the obstacles that remain to be overcome below under three major topics: resource limitations, traditional roles and boundaries, and state-of-the-art problems.

Obstacles to Further Progress

Resource Limitations

The most obvious obstacle--both for serving all handicapped children and for enabling services to be determined on the basis of individual needs--is the inadequacy of resources for special education and related services. This limitation leads directly to a shortage of program openings and, thus, to a lack of alternative service and placement options that can be considered in determining what is appropriate for individual children. It also produces a backlog of handicapped children waiting to be served.

Because resources vary from LEA to LEA, whether a child will even be identified for special education depends on what school district and, often, what neighborhood school he or she is in. The range of services LEAs furnish is broad. However, only in the most resource-rich sites with a progressive tradition in special education are handicapped children offered such related services as individual counseling at no cost to their parents. No LEAs in the study had sufficient resources to serve all handicapped children from 3-18 years of age within their jurisdiction and simultaneously provide appropriate services in the least restrictive setting to all the children already in school. They are currently expanding programs as state funding formulas permit or encourage, bringing current procedures into compliance with the law and attempting to hold the line on expenditures for services not previously provided on a routine basis in their school system.

To meet the full intent of the law, LEAs must also see that their special education staff are qualified, that regular teachers, principals, and other staff are prepared to play the roles implied in the law, and that their programs are coordinated with private schools and with other agencies to ensure that full services are delivered at no cost to parents. These changes cost money as well as time and effort. In spite of the fact that expenditures for special education have increased relative to other education outlays, limitations on funds currently available force LEA administrators to make a choice between expanding direct services to children and changing the delivery system (e.g., in-service training, working with parents, and coordinating services). They must also choose among eligible groups of children to receive services.

Traditional Roles and Boundaries

The traditional role boundaries between regular and special education, between parents and school staff, and between schools and other agencies serving handicapped children pose significant obstacles to implementing the intent of PL 94-142. As school systems are currently organized, there is a boundary between the regular and the special education programs. There are also boundaries between programs for handicapped children and programs targeted to children with other special needs (e.g., disadvantaged or non-English speaking). These boundaries pose problems, especially for achieving the goal of the least restrictive environment. A continuum of services is nearly impossible to provide.

Another set of traditional role and boundary problems pertains to parents and schools. Meeting the intent of PL 94-142 to have parents actively participate with school staff in making decisions about their children will require changes in the home-school boundary. Although there is tremendous variation in this boundary from site to site, the kind of obstacles that need to be overcome are typical. Although parent notification and consent procedures are in place and parents have much more contact with appropriate school staff, parents do not know what is expected of them or are intimidated by the number of professional staff involved in the process. School staff are limited in the amount of time they can devote to counseling parents and are faced with a conflict if parents ask for services the school district does not provide. Because most parents seem to be satisfied with the extent of their participation and trust school staff to make decisions for their children, the incentive is lacking for school staff to make efforts to change their roles.

The traditional roles and boundaries between education agencies and other agencies providing services to handicapped individuals also affect the LEAs' ability to implement PL 94-142 as intended. Under PL 94-142, LEAs, as responsible local agencies of the state, are faced with renegotiating their boundaries with other agencies because the education agency alone must ensure that all related services necessary for children to benefit from their education are delivered, that education and related services are provided appropriately whatever agency delivers them, and that such services are provided at no cost to parents. However, other agencies do not necessarily permit them to provide services free. In fact, some agencies have withdrawn services previously provided to handicapped children, assuming that the school would increase its services accordingly. Nonpublic schools and other institutions are not used to following specifications from the public education agency regarding what constitutes an appropriate individual education program. For example, some special education administrators cannot convince their community mental health agency to provide counseling services to emotionally handicapped students

at no cost to their parents. Others feel powerless to ensure that handicapped students in private or parochial schools are receiving appropriate services.

The fact that LEAs do not have the clout to require other agencies to honor education agency priorities, submit to LEA supervision, or provide free services to education agency clients sometimes reflects a similar circumstance at the SEA level. SEAs in this situation can provide LEAs with little support or clarification of their legal and financial responsibilities. However, to the extent that respective agency responsibilities are clear at federal and state levels, it is at least possible for agencies to agree on new working arrangements at the local level.

State-of-the-Art Problems

Related to the difficulties posed by resource limitations and traditional roles and boundaries are state-of-the-art issues, where effectively meeting the law's intent would require knowledge, skills, or agreement among professionals that does not currently exist.

Related services pose one such issue. Currently, there are no generally accepted guidelines nor is there professional agreement regarding which related services for which needs are "necessary for a child to benefit from the education program..." Also unaddressed are questions about how to determine the amount of a particular related service necessary to meet a child's educational needs. The difficulties lie as much in the fact that judgments about need and "necessary to benefit" are intrinsically subjective as is the fact that knowledge is not adequate. Thus, availability of resources heavily influences staff judgments about the need for related services and an individual's right to such services under law easily becomes a matter for dispute.

Although the law lists counseling as a (potential) related service, every school district "holds the line" at a different point. For example, in one site a learning disabled child with emotional problems will get individual psychotherapy from a private practitioner at the expense of the public schools; in many other sites, it would be suggested, but not recommended, that the parents consider taking the child to the community mental health agency for some counseling (a recommendation would require that staff write the service on the IEP, thus making it the LEA's responsibility to pay for the service). The latter districts have, in effect, defined counseling as not necessary for the child to benefit from his educational services.

Identification of children with specific learning disabilities poses state-of-the-art difficulties for local educators. Children with learning problems are increasingly classified as LD, especially relative to those identified as mentally retarded or emotionally disturbed, because of a desire to avoid the stigma attached to these

classifications. It is particularly difficult to know whether a given child's "deficits" are attributable to "processing" disorders rather than "environmental, cultural, or economic disadvantage." Yet, for many practitioners the final eligibility decision often rests on this very judgment. Wide district-to-district variation in target groups is partly a result of these difficulties in identifying learning disabled children.

Children with serious emotional handicaps also pose state-of-the-art problems. This is partly a result of these difficulties in identifying learning disabled children.

Children with serious emotional handicaps also pose state-of-the-art problems. This is partly because of the difficulty in defining eligibility for special education, but also because knowledge is lacking about what constitutes an appropriate program for serving seriously emotionally disturbed children in the public school setting.

Finally, LEAs face a problem in the state of the art of staff development, and particularly in-service training. Neither general orientation to the Act, information on new procedural requirements that is disseminated through administrative channels, nor in-service training courses currently offered by institutions of higher education are perceived by professionals as meeting their needs. In making sure that staff are qualified to fill their roles as intended in the Act, LEAs face difficulties in relying on staff development programs in their current form.

Implications

Under the mandate to provide "appropriate education" and "related services necessary for a child to benefit from special education," LEAs are struggling with how to limit the eligible population to a size that can be accommodated within current resources, while struggling to obtain more resources. They are, at the same time, responding to new demands from small but growing numbers of parents of handicapped children whose expectations for no-cost services have been raised and who have been provided tools to hold the schools accountable. Simultaneously, LEAs are pressured to assume increased financial responsibilities relative to other agencies serving the handicapped, insofar as these agencies do not offer services without cost to the schools' clientele.

Some of the obstacles to implementation that remain to be overcome can be addressed at the local level as LEA policymakers (board members, superintendents) become more cognizant of their new responsibilities under the law and plan for necessary changes in the local school system. Special education administrators and service delivery personnel within these local school systems, in particular, have already made great strides in developing procedures consistent with the federal regulations, devising strategies for

expanding programs, working out many logistical problems in response to PL 94-142's provisions for IEPs and parent involvement, handling due process hearings, and coordinating services with other agencies.

However, there are some obstacles to implementation that clearly have implications for agencies beyond the LEA level. These are problems requiring help from the SEA, from state legislative or executive branch policymakers, from the professional field and from BEH or Congress.

Some of the problems posed by these circumstances can be addressed at the local level as LEA policymakers become more cognizant of their responsibilities under the law. But most have implications for assistance from agencies and others beyond the LEA level: SEAs, state legislative and executive branch policymakers, the professional field, and BEH or Congress. LEAs need help in delimiting their legal and financial responsibility for special education and related services. They need help in clarifying the borders of their responsibilities vis a vis other agencies (e.g., health, welfare). They must also have assistance in acquiring more resources. Otherwise, the bounds of what LEAs must provide at no cost far exceed the resources available, and FAPE will continue to be defined de facto by what is currently available.

Finally, because continuing to monitor LEA compliance with procedures will distract attention from the systemic changes necessary to meet the spirit of the law, assistance designed to enhance local capacity to achieve FAPE should be emphasized and monitoring procedural compliance can be accomplished; realizing the intent of the Act, however, is far more challenging and requires financial resources, professional assistance and support in redefining roles and developing new skills, as well as considerable time. These are the areas in which assistance is needed if full implementation of PL 94-142 is to be achieved.

REFERENCES

Berman, P., and M. W. McLaughlin, Federal Programs Supporting Educational Change, Volume VIII: Implementing and Sustaining Innovations, The Rand Corporation, R-1589/8-HEW, Santa Monica, California (May 1978).

Eisner, E. W., The Educational Imagination: On the Design and Evaluation of School Programs, New York, NY: The Macmillan Company (1979).

Guba, E. G., "Toward a Methodology of Naturalistic Inquiry in Educational Evaluation," CSE Monograph Series in Evaluation (1978).

Weatherley, R. A., Reforming Special Education: Policy Implementation from State Level to Street Level, Cambridge, Mass.: MIT Press (June 1979).

Weatherley, R. A., and M. Lipsky, "Street-Level Bureaucrats and Institutional Innovation: Implementing Special Education Reform," Harvard Educational Review, Volume 47, pp. 171-197 (May 1977).